



Civil affairs and military government in Mexico under General Winfield Scott, 1847-1848

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CIVIL AFFAIRS AND MILITARY GOVERNMENT
IN MEXICO
UNDER GENERAL WINFIELD SCOTT
1847-1848

by
Joseph Frank Kasun

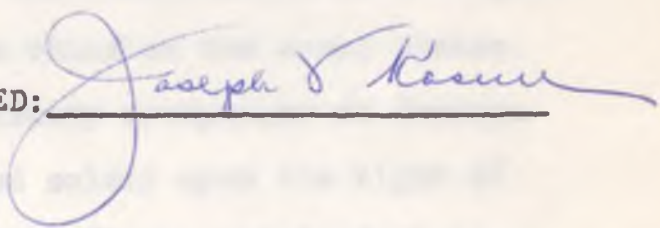
A Thesis Submitted to the Faculty of the
DEPARTMENT OF HISTORY
In Partial Fulfillment of the Requirements
For the Degree of
MASTER OF ARTS
In the Graduate College
THE UNIVERSITY OF ARIZONA

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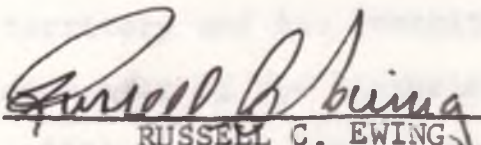
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PREFACE

Before the two past centuries, when absolutist kings battled with professional armies, the victor occupied the territory of the vanquished. His occupation implied permanent incorporation of the occupied territory into the realm of the victorious state. It has been only within the past two hundred years that this practice began to change and that the idea of military government was developed.

In the United States, the Constitution of 1787 gave the President, as commander in chief of the armed forces, the authority to carry out military occupation of foreign soil. This authority was based solely upon the right of conquest by American arms and was first exercised on an important scale in Mexico in 1847-1848.

By the processes of military occupation a victorious force takes possession of an area by virtue of its military strength, and this act of occupation places the vanquished territory and its inhabitants under the authority of the commander of the victorious army. As a result, the political ties between the defeated civil population and their former sovereign are severed; however, the right of the vanquished people to protection and security makes it obligatory that the victor establish a form of military

government that will insure the maintenance of law and order in the occupied area. When this transition occurs, military government becomes a sequel to military occupation. Military government can be regarded as a transitional phase between the active conflict of armies or the war psychology of deliberate destruction, and the quiet of established order or the peace psychology of planned humane improvement.

Two of the fundamental principles of military government are that it is an "absolute sovereignty" in all branches of governmental administration. It is, as the Duke of Wellington said, "nothing more or less than the will of the military commander;" second, it is a "temporary sovereignty," an interim government exercised only until normal civil government has been re-established in the vanquished territory.

The term "civil affairs" as used here is construed to mean those phases of the activities of a military commander which embrace the relationship between the military forces and the civil authorities and people. This can include the exercise of executive, legislative, and judicial authority when required.¹ In United States usage this term describes a wide variety of relations between the armed forces and the civilian population and civilian

1. "Joint Manual of Civil Affairs/Military Government," Departments of the Army, the Navy, and the Air Force, Washington, D. C., November, 1958, p. 3.

authorities. The civil affairs activities of the military commander, in some instances, may extend to an almost complete assumption of the authority which is normally exercised by the local officers of the area. When local officers are able to carry out their functions, the responsibility of the military commander may consist of nothing more than to give advice or render assistance to these civilian authorities.²

The term "military government" as used here refers to the form of administration used by the conqueror to exercise executive, legislative, and judicial authority over the vanquished nation.³

The term "occupied territory" is construed to mean that area under the authority and effective control of the victorious military commander and normally refers to that area where military government is being administered. The test of whether a territory is occupied is the assertion of authority and the assumption and maintenance of firm possession and control by the conqueror. The term is not applicable to enemy territory upon the conclusion of a treaty of peace; also, the term cannot be applied to territory where United States domestic law is effective.⁴

2. Ibid.

3. Ibid., p. 4.

4. Ibid., pp. 5-6.

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ABSTRACT

The military occupation of Mexico under General Scott in 1847-1848 was the first important experience of the United States Army in military government. At this time there was no written international law governing the treatment of the inhabitants of occupied territory. Scott's troops were limited in number and the vital line of communication from Mexico City to the Atlantic seacoast was long and vulnerable. Communications with his government were slow and uncertain. Scott's problem was to control his own forces in such a way as to maintain their strength and discipline and to keep the enemy in an orderly subjugation so that his government might negotiate from strength. He attained these objectives by a policy of strict control of his own troops and a humane treatment of the enemy, coupled with control of strategic aspects of Mexican community life which made maximum possible use of Mexican capabilities for economic and political self-direction.

In spite of disagreements with his government, which led to his relief from command, General Scott achieved the objectives of his government, won the cooperation and admiration of the Mexicans, and established the American military government tradition of military necessity tempered with humanity which was later translated into written American and international codes.

INTRODUCTION

The war with Mexico during the years 1846-1848 was the first conflict of any size that involved United States troops in action outside the territorial limits of the United States. Major General Winfield Scott conducted what was to become the first important military government operation ever to take place in hostile country occupied by United States military forces.

To understand General Scott's problems in administering a foreign people and to understand the spirit of his system of military government, one needs first to review certain facts of American military history.

First: The army in Mexico was composed in a large part of generally well disciplined army and marine regulars. The army also contained volunteer troops and a percentage of soldiers of fortune. The volunteers were hardly a disciplined group and many historians attest that they were difficult to control. The soldiers of fortune, or freebooters, were adventurers who joined the army as a means of legally continuing their activities as brigands and thieves.

Second: During operations in Mexico, communications and transportation were so inadequate as to be

virtually non-existent. It was not unusual for months to elapse in the simple exchange of letters between Mexico and Washington.

Third: The nature of the country of Mexico, in addition to poor hygienic standards and inadequate provisions for sanitation, caused sickness and death among the troops engaged.

In addition to the physical conditions which made Mexico a difficult military operation, there were also personality conflicts. There was friction among the generals in the field and mistrust between them and the Polk administration. Both General Scott and Zachary Taylor were Whigs who did not have the complete trust of President Polk or his cabinet.

In spite of the fact that a long period of uncertainty and tension preceded hostilities between Mexico and the United States, neither the President nor his Secretary of War had made any war plans for the Mexican campaign. Thus war planning moved almost concurrently with field operations. It was in the area of logistical support that the results of "no planning" were most evident.

The war with Mexico developed into three main phases:

First - The advance by General Zachary Taylor across the Rio Grande into Northern Mexico.

Second - The capture of New Mexico by General

Stephan W. Kearny and the capture of California by the United States Army and Navy combined.

Third - The amphibious assault upon Vera Cruz, its capture, and the subsequent move of General Winfield Scott's army to Mexico City.

It is with General Scott's civil affairs and military government operations from Vera Cruz to Mexico City that this thesis proposes to deal.

At times, the reader will be referred to the appendix which contains copies of pertinent Army general orders issued by General Scott in Mexico. Copies of these orders were obtained from the Archives of the United States Army Command and General Staff College, Fort Leavenworth, Kansas. Copies of certain general orders and other documents have been included in the appendix in order that the reader can examine closely General Scott's intentions and, perhaps, develop a keener sense of the "spirit of military government" which General Scott desired to instill in the United States military forces in Mexico in their daily relations with the Mexican inhabitants.

CHAPTER I

PROBLEMS OF OCCUPATION, AND MAINTENANCE OF COMBAT READINESS IN MEXICO

No task is simple if it has to be performed in time of war, on foreign soil, amid alien people who speak a strange tongue, follow a different set of customs, and presumably resent the alien military authority thrust upon them. Thus, insuring the success of his arms is the first object of the conqueror. He owes to his government and his troops the duty of securing that success by every means known to the laws of war. The conqueror must proceed on the assumption that his military rule is destined to be both brief and precarious because it is the privilege of defeated people to overthrow the conqueror if they are strong enough to do so.

Military government and occupation is generally described as a feature of a transitional period, necessary to safeguard military successes and to insure return to orderly conditions but without in the least prejudicing future operations. Thus, in the passage from actual combat activity to a period of armed inactivity, as in Mexico, certain occupation problems had to be considered first,

not because they were the most important, but because they were the first in point of time.¹

For General Winfield Scott the main problems in establishing military government in Mexico were four. These were: (1) governing and concurrently maintaining his combat efficiency for any emergency; (2) establishing an effective military government organization in critical areas; (3) determining his responsibilities toward the Mexicans and his freedom of action with respect to his superiors in Washington; and (4) deciding the extent of jurisdiction to be exercised over the Mexican populace.

With the primary mission of "maintaining American power" in Mexico until a peace treaty was signed, the problem of keeping his small force in effective fighting trim was of primary concern for General Scott. The war was not over; at any moment General Santa Anna with the remnants of the Mexican Army could muster sufficient courage to attack the American position.² Accordingly, until a satisfactory peace was negotiated the major occupational problem

1. The War Department suggested to General Scott three possible modes of occupation. See United States House of Representatives, 30th Cong., 1st Sess. Executive Document 8, pp. 60-61, hereafter referred to as Executive Document 8.

2. Such an attack occurred against Puebla. This city was completely surrounded by Santa Anna for a period of 28 days. See Executive Document 8, pp. 471-473.

was that of maintaining an advantageous tactical position in Mexico with trained troops. Even if Santa Anna did not attack there was still the Mexican population to be controlled and this would require disciplined troops.³ Whether or not Scott could keep his troops at peak efficiency would also determine the type of military government to be established and the amount of individual freedom to be accorded to the Mexican civil population.

Once Scott was sure that his troops could be controlled and would be responsive to his orders, his second immediate concern was the problem of establishing the form of government best suited to the existing military and civil situation. In this respect he had a choice. He could: (1) organize among the Mexicans a new national government favorable to the United States and later, after peace, employ the principles of self-determination among the Mexicans,⁴ or (2) exercise a short-term military occupation in the major cities along his line of communications, the National road, by personally taking control of the administrative functions of law and order and allowing duly elected

3. General Zachary Taylor in his early official dispatches to Washington referred to the Mexican population as hostile. As Chief of Staff, Scott could not ignore the dangers implied in this reference. United States House of Representatives, 30th Cong., 1st Sess. Executive Document 60, pp. 132-33, hereafter referred to as Executive Document 60.

4. Executive Document 60, pp. 158 and 1037.

Mexican city officials to remain in their offices to handle daily Mexican affairs.⁵

In determining the type of government to be established, Scott's chief concern was that his troops be able to circulate freely and safely within given limits; that their health be protected; that supplies be made available to the Army and that no Mexican insurrection take place. Aside from these essentials, he preferred to let the Mexican population alone. However, the Mexican populace had been reduced to its fundamental elements, that is, a people asking for protection of individual rights and property and asking to be governed. For Scott such a condition of Mexican society called for a form of military government which would be characterized by (1) swiftness of action, (2) impartiality in meting out justice, and (3) an efficient United States Army to preserve law and order. Thus Scott instituted a short-term military occupation with strict control of law and order in the major cities along the National road from Mexico City to the port city of Vera Cruz, a distance of 252 miles. In each occupied city along the National road the duly elected Mexican officials were retained in their

5. Two other possibilities suggest themselves but were not seriously considered. These were: (1) reinstate Santa Anna as President; (2) install a civil government of the type organized in the New Mexico Territory.

respective offices, to perform their every-day duties to Mexican society.⁶

Since the occupation was destined to be short, Scott's interest in territory, as such, remained a passing one. As in most cases of belligerent occupation, Scott's attitude was characterized by a relative lack of concern for the structure of the territory and for the long range welfare of the inhabitants. His activities were mainly confined to securing the safety of his troops, freedom of communications, and maintenance of certain minimum standards of public health and civilian production. Beyond this he was content to leave Mexican political, social, and religious institutions alone as long as they were not a threat to effectual law and order. He did not burden himself with reorganizing the pre-existing Mexican administration, and he refrained from introducing far-reaching military reforms. Scott's concerns and choices may explain why the unlimited power of the military occupant is generally exercised sparingly.

Although Scott used his authority modestly, the record shows that he was granted unlimited freedom of action in Mexico.

6. United States House of Representatives, 29th Cong., 2d Sess., Executive Document 119, pp. 5-7, hereinafter referred to as Executive Document 119. Even this early, June 3, 1846, one of the first precepts of military government was established - the maximum use of existing Mexican civilian officials.

It is not proposed to control your operations by definite and positive instructions but you are left to prosecute them as your judgment, under full review of all the circumstances, shall dictate. The work is before you, and the means provided, or to be provided, for accomplishing it, are committed to you in the full confidence that you will use them to the best advantage.⁷

Ordinarily the rules by which military government is enforced are prescribed by the military commander. Being in the theater of operations and being answerable to his government for the success or failure of its arms, Scott, in this case, had superior facilities for judging as to the measures best calculated to attain the objects of military occupation and the strongest motives for wishing their adoption.⁸ Nevertheless, Scott was responsible to his government for the manner in which he performed his military occupation duties. The United States government might have disavowed his actions, this would have rendered Scott personally responsible for violations of the laws of war. However, the United States government assumed responsibility for Scott's actions in Mexico; thus the Mexican nation had to look to Washington for any redress

7. Executive Document 60, p. 372. The Polk administration did interfere later, particularly in Scott's policy toward prisoners, and in the matters of obtaining supplies for the United States Army and forced contributions.

8. Both General Scott and the United States Naval Commander, William B. Shubrick, saw fit to alter Polk's plan for levying and collecting contributions. Also, both Generals Scott and Taylor vetoed Polk's plan for seizure of Mexican civilian supplies without payment.

to which it might think itself entitled because of alleged crimes or irregularities on the part of General Scott's command.⁹

Contrary to common belief, it will be found when seriously considered that military government, despotic as it seems in its essential features, is far from being the mere will of the conqueror to be enforced by him without responsibility. Scott's responsibility was both military and civil: the former was complete and in accordance with established military code, while the latter was determined by the circumstances of a turbulent society asking to be governed and protected in person and property.

The final problem facing the United States commander in Mexico was the task of determining the extent of jurisdiction to be exercised over Mexican nationals. During war between nations in the pre-Napoleonic era, all the subjects of one belligerent, in contemplation of law, were enemies of the subjects of the other belligerent and could thus be killed, or enslaved and transported to the conqueror's land. By the time of the Mexican war, although all Mexicans could lawfully be treated as enemies in war, it was not regarded as reasonable that all should be treated alike.

9. The speech of Jefferson Davis of Mississippi on the exercise of civil power and authority by military officers, delivered in the Senate on August 5, 1850 is recommended for reading.

Those Mexican soldiers bearing arms in a conflict could be lawfully destroyed; those soldiers laying aside their weapons became prisoners of war; and those individuals who were simply engaged in civil pursuits were exempt from the direct effect of operations unless at some later time they abandoned their civil status and took up arms or were guilty of some other misconduct whereby they forfeited their immunity.¹⁰ As long as Mexican non-combatants quietly submitted to the rule of the military authority, they were permitted to continue in their work and in the enjoyment of their property. This humane policy greatly alleviated the hardships of war and Scott's well-disciplined troops were spared many of the dangers incident to an exposed position in a hostile country. The maxim that "war must support war" as a military necessity was not adopted in the hostile Mexican land, and Scott's experience showed that the milder rule was the wiser.¹¹

In his proclamation of August 11, 1870, on entering France, King William of Prussia said, "I wage war against French soldiers, not against French citizens." Twenty-three years earlier, on April 11, 1847, General Scott in a proclamation to the Mexican people stated, "Mexicans: we

10. Two examples of such forfeiture are contained in copies of General Orders 187 and 183 at Appendix 14.

11. Winfield Scott, Memoirs Written by Himself, Vol. II (New York: Sheldon and Company, 1864), p. 550.

are not your enemies . . . we are the friends of the peaceful inhabitants of the country we occupy. . . ."12

The degree of jurisdiction to be exercised over inhabitants of an area in which military operations are conducted depends primarily on such factors as the requirements of the military situation, the attitude of the inhabitants toward the military force, the governmental, economic, and sociological conditions within the area, and the political and military objectives of the conqueror. As long as military operations continued in Mexico, Scott was authorized by the laws of war the degree of control over the inhabitants required to insure the security of his forces and his lines of communication, the enforcement of law, and the maintenance of order.

As far as techniques of control were concerned, Scott used both coercive and non-coercive measures. Coercive controls employ force, while non-coercive controls rely upon incentives. Coercive controls require the inhabitants to follow an announced policy. Some of the coercive controls applied by Scott were: (1) licensing of businesses; (2) prohibition of the sale of liquor to American troops; (3) inspection of Mexicans for munitions and weapons; (4) apprehension of all violators of the law; (5) levying

12. See paragraph 2 of this proclamation at Appendix 6.

of contributions; (6) controlling the circulation of the Mexican inhabitants.

Among the non-coercive controls established by Scott to secure the good will and acceptance of his policies were: (1) issuance of proclamations to inform the inhabitants of the conduct which was expected of them; (2) declaration of the conqueror's legal obligations, a policy designed to promote mutual respect; (3) establishment of standards for such functional specialities as public health; (4) setting of examples, to stimulate voluntary action along similar lines by the inhabitants; (5) conferences and meetings, such as those conducted between Scott and the hierarchy of the Mexican Catholic Church; (6) purchase of consent, through the payment for local supplies and services; (7) securing compliance through publicity; the use of favorable or adverse publicity or comment with respect to activities of selected Mexican individuals. Such measures as these were intended to cause the population of Mexico to cooperate and did not involve the use of force. The people were induced to recognize their interests in the common good.

Scott recognized that the best way to control the inhabitants of Mexico was through their own city officials. He saw the importance of supporting, and in some instances, selecting a Mexican administration whose members not only

were capable and cooperative but who possessed prestige and popularity with the inhabitants of the occupied area.¹³

The occupation aim of "combat readiness" so vital to Scott was obtained in Mexico by employing several different methods. The first method was that of establishing a "linear type" form of military government. Such linear control required that United States forces be present only in certain towns and cities which lay along the main supply route, the National road, from Vera Cruz to Mexico City.¹⁴ Scott's command was small in total numbers, and the adoption of the linear concept resulted in the most economical use of military personnel. The purpose of Scott's linear dispersion of troops was not only to maintain law and order and insure the passage of supplies along the vulnerable National road, but also to improve his chances of extracting his army from Mexico intact if the need should arise. In case of Mexican attack, by withdrawing from

13. Colonel James Shields, the United States Military Governor of Tampico eliminated the ayuntamiento of that city for incompetence and selected their replacements. See John R. Kenley, Memoirs of a Maryland Volunteer, War With Mexico (Philadelphia: J. B. Lippencott and Company, 1873), p. 380. Also, Fifty Years in Camp and Field, A Diary of Major General Ethan Alan Hitchcock, USA, ed. W. A. Croffut (New York: G. P. Putnam's Sons, 1909), pp. 314-315.

14. The question of what legally under the customs of war shall constitute "military occupation" was one of the important matters discussed at the Brussels Conference of 1874. The "German View" could have well been taken from Scott in Mexico. The Germans held a position that "a place without troops should be considered occupied and occupation did not always manifest itself by outward signs." The

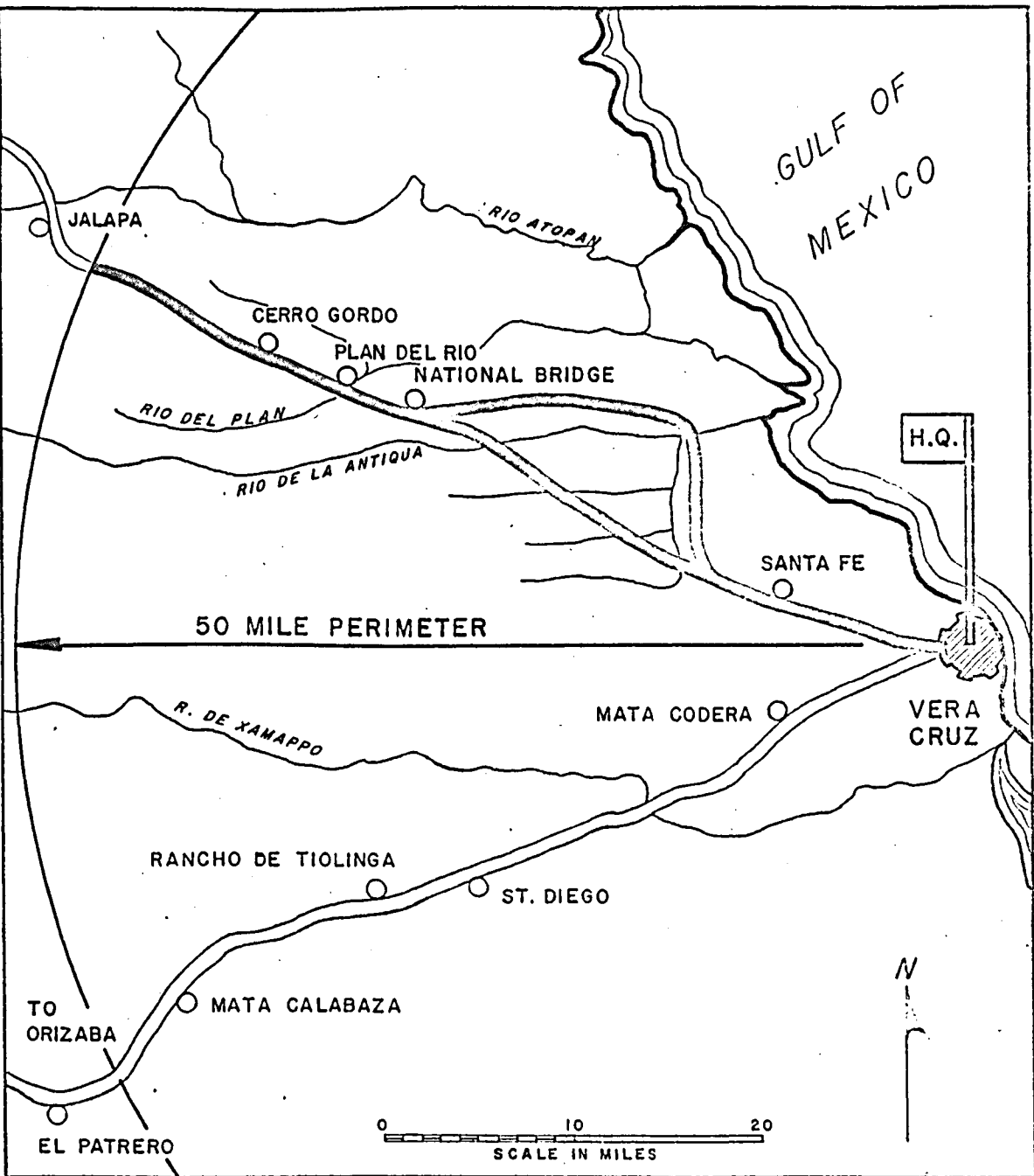
Mexico City along the National road in the direction of Vera Cruz, Scott's forces would be falling back upon other United States units garrisoned along the National road, thereby increasing their numbers and their ability to resist and, perhaps, to resume the offensive again.

The first link in the chain of linear military garrisons was established in Vera Cruz by General Order 105,¹⁵ dated April 11, 1847. As Scott's army moved into the interior, a detachment of United States troops remained behind to form the Vera Cruz department. Vera Cruz was designed to serve as the anchor in the east for United States forces and also the port complex through which all United States personnel and supplies destined for the support of Scott's army were to be received. As shown in Figure 1, the fifty mile radius of the Department of Vera Cruz extended just short of the next major department to be organized by Scott - that of Jalapa. The military commander of Vera Cruz was held responsible for patrolling his whole area and, most important, keeping the National road to a distance of fifty miles from Vera Cruz free of guerrilla

"English View" took the opposite stand that people at locations where no troops were present were under no obligation to remain quiet. William Birkhimer, Military Government and Martial Law (Washington, D. C.: James J. Chapman, 1892), pp. 42-44.

15. See Appendix 5 for a copy of this General Order. This same order also established the Department of Tampico on the same area basis as Vera Cruz.

Figure 1 - MILITARY DEPARTMENT OF VERA CRUZ



MILITARY DEPARTMENT OF VERA CRUZ
ESTABLISHED APRIL 11, 1847

MAP REFERENCE

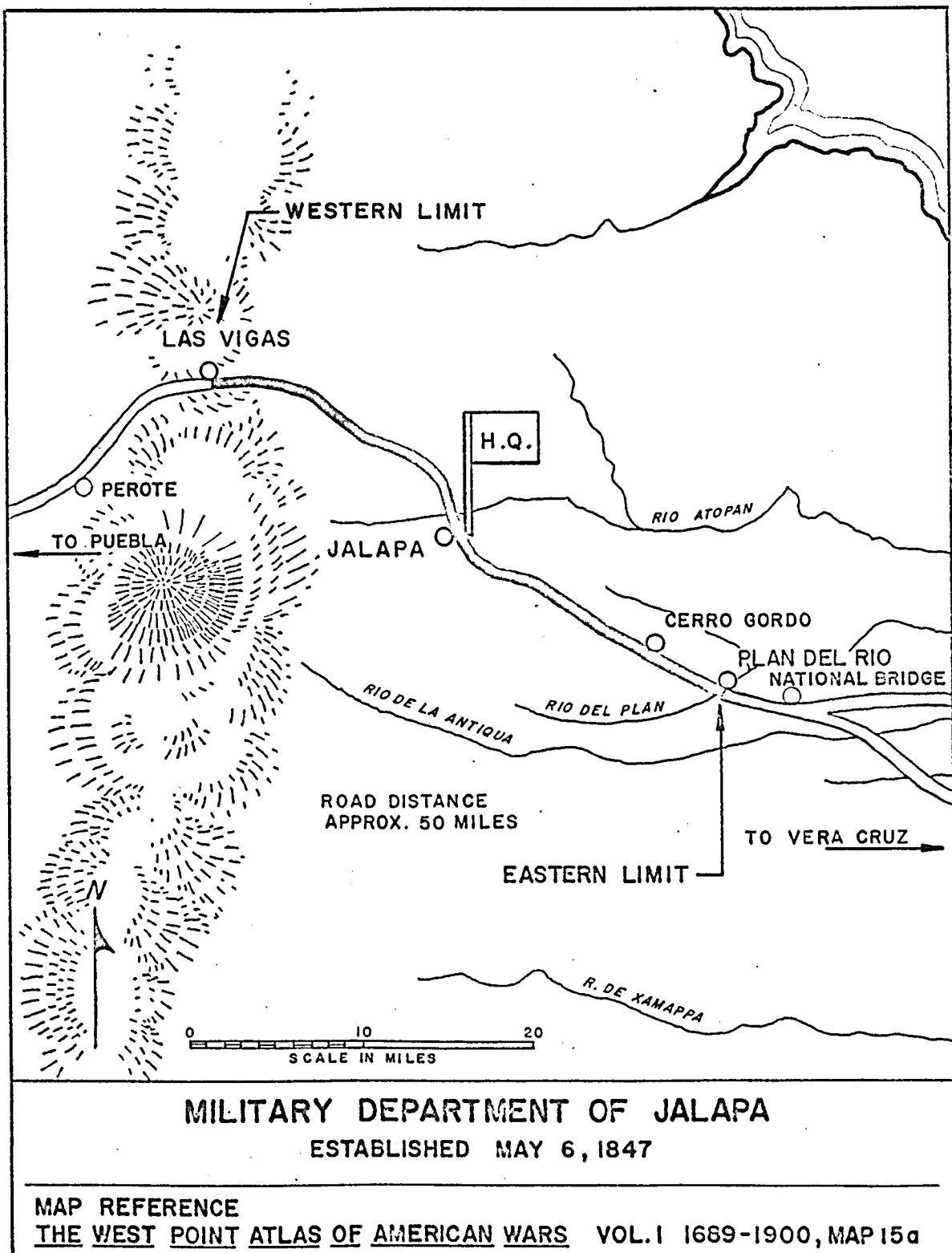
THE WEST POINT ATLAS OF AMERICAN WARS VOL. I 1689-1900, MAP 15a
EDITOR: COLONEL VINCENT J. ESPOSITO PUBLISHER: FREDERICK A. PRAEGER, NEW YORK, 1959

bands, to permit the free movement of military and civilian supplies to and from the interior.

By General Order 142 dated May 6, 1847,¹⁶ Scott designated the Military Department of Jalapa as encompassing the country between two definitive points on the National road - Las Vigas on the west and Plan Del Rio on the east - a distance of approximately fifty miles (Figure 2). Whereas the commander of the Department of Vera Cruz was charged with a definitive "area of responsibility" it appeared that Scott assigned to the United States commander at Jalapa only the task of keeping the National road clear between two limiting points. If this necessitated lateral movement of only a few miles to keep guerrillas beyond rifle range of the road, this was satisfactory. The main mission of the Department of Jalapa was to push personnel and supplies along the road to their destination in the interior and conversely to protect traffic returning to the port of Vera Cruz.

Simultaneously, and by the same general order, Scott established the Military Department of Perote to extend

16. See Appendix 10 for a copy of the general order. Scott's spelling of Napolenca in this general order is apparently in error because other sources, particularly maps of Mexico printed in 1847-1848, spell the name of this town as Nopaluca. Note that Plan Del Rio, the eastern limiting point of Jalapa Department falls within the fifty mile radius of responsibility of the Department of Vera Cruz, posing a problem of coordination between department commanders. (See Figure 2).



along the National road from Las Vigas on the east to Nopaluca on the west (Figure 3).

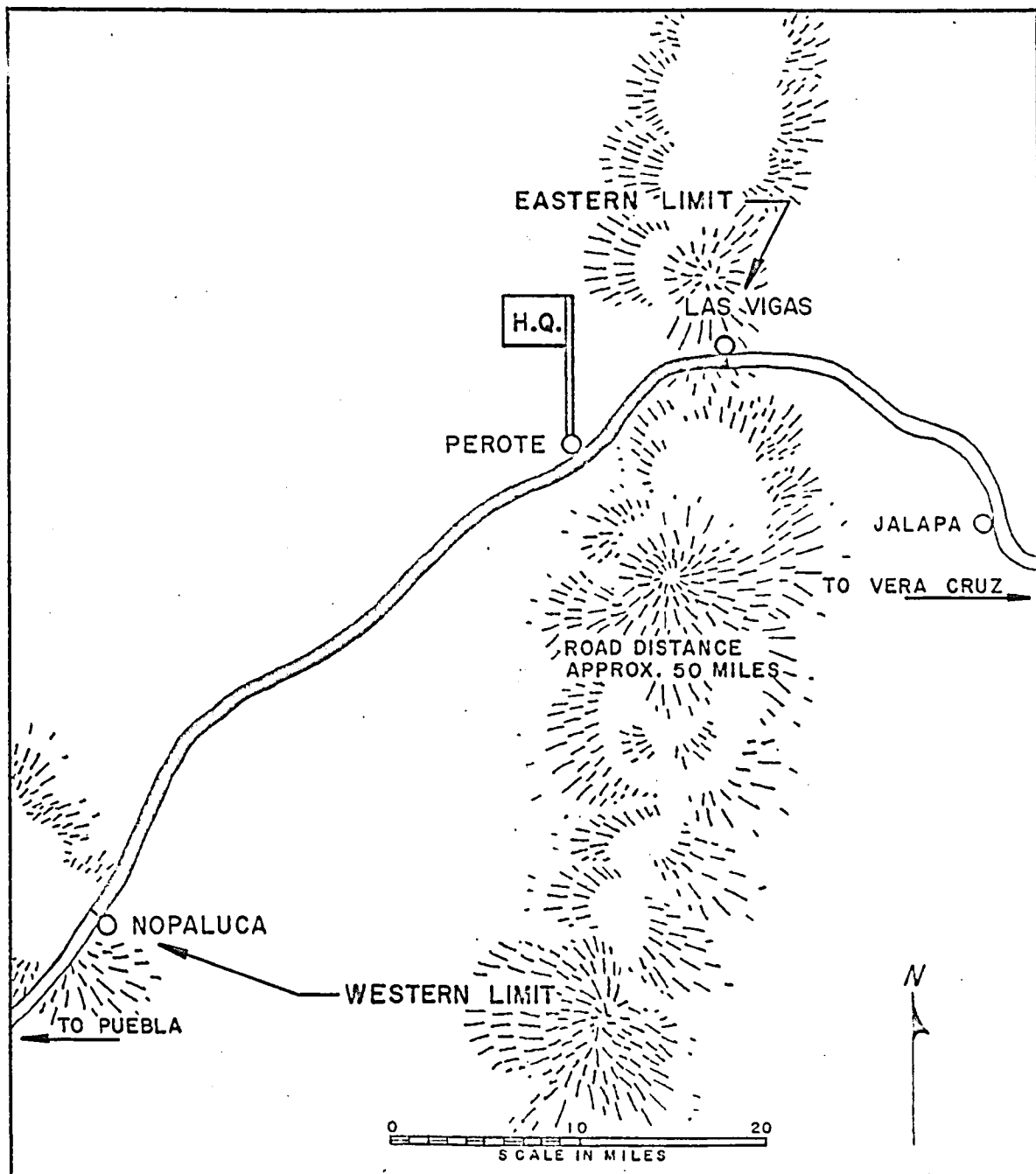
While still in Jalapa, Scott published General Order 144, dated May 6, 1847,¹⁷ which established the Military Department of Puebla. This department extended along the National road from the eastern limiting point of Nopaluca to the western limiting point of San Martín, a distance of approximately fifty miles. In forming this department, Scott reverted back to assigning specific area responsibility as he did in Vera Cruz. The commander at Puebla, in addition to the main task of keeping the highway open, was also responsible for the police of the countryside to a depth of thirty miles on both sides of the National road (Figure 4).

On September 18, 1847, four days after Scott victoriously entered Mexico City, General Order 289¹⁸ was published which, in effect, established the Military Department of Mexico City. The boundaries of this department encompassed the city proper.¹⁹ The distribution and quartering of United States troops, with cannon, indicated that Scott

17. See Appendix 11 for a copy of the General Order.

18. See Appendix 20 for a copy of the General Order.

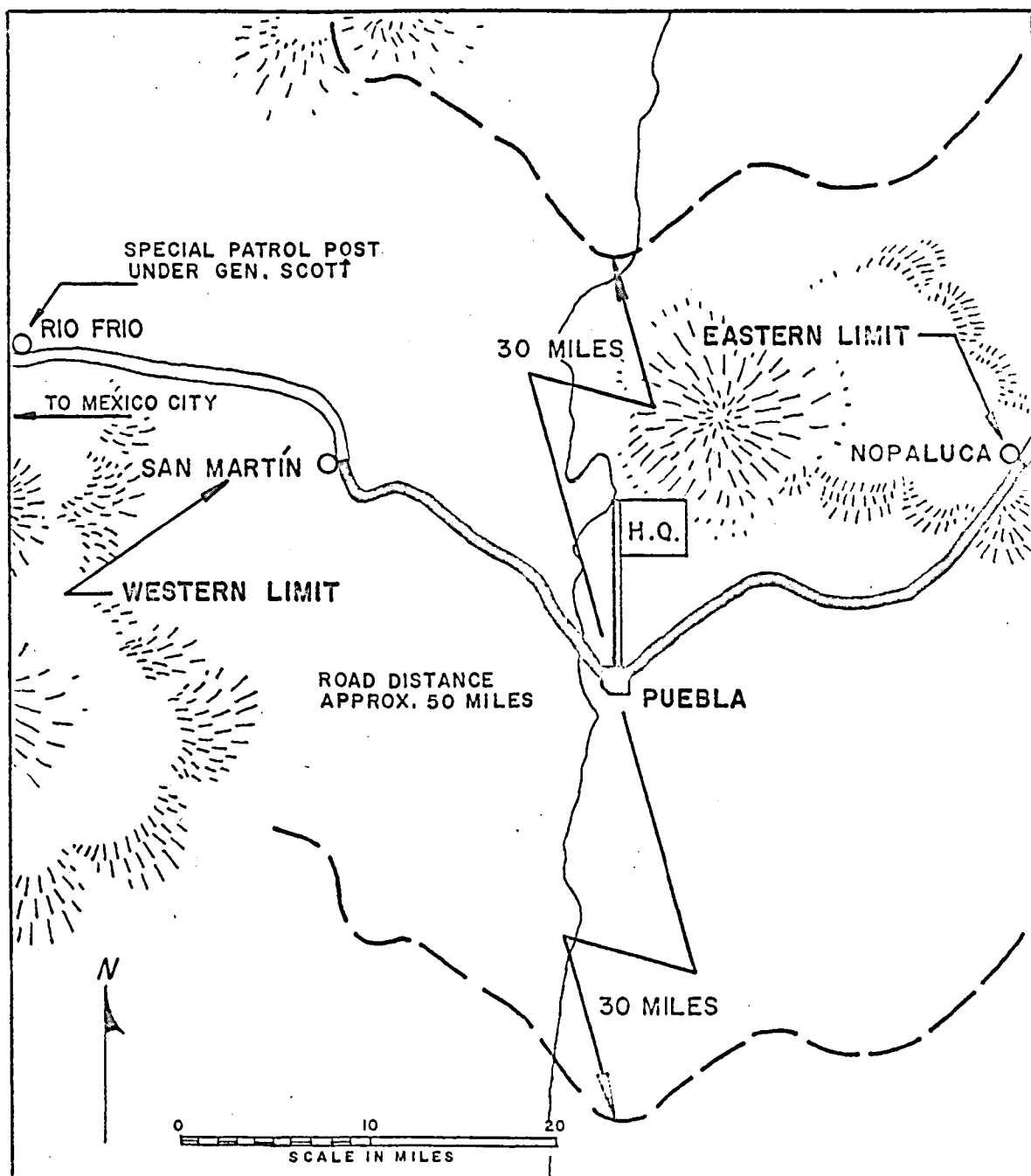
19. Effective February 4, 1848, the authority of the ayuntamiento of Mexico City was extended to include portions of the valley of Mexico for the purpose of police and revenue. American Star, Mexico City, February 5, 1847.



MILITARY DEPARTMENT OF PEROTE
ESTABLISHED MAY 6, 1847

MAP REFERENCE

THE WEST POINT ATLAS OF AMERICAN WARS VOL. I 1689-1900, MAP 15c



MILITARY DEPARTMENT OF PUEBLA

ESTABLISHED MAY 6, 1847

MAP REFERENCE

THE WEST POINT ATLAS OF AMERICAN WARS VOL. I 1689-1900, MAP 15c

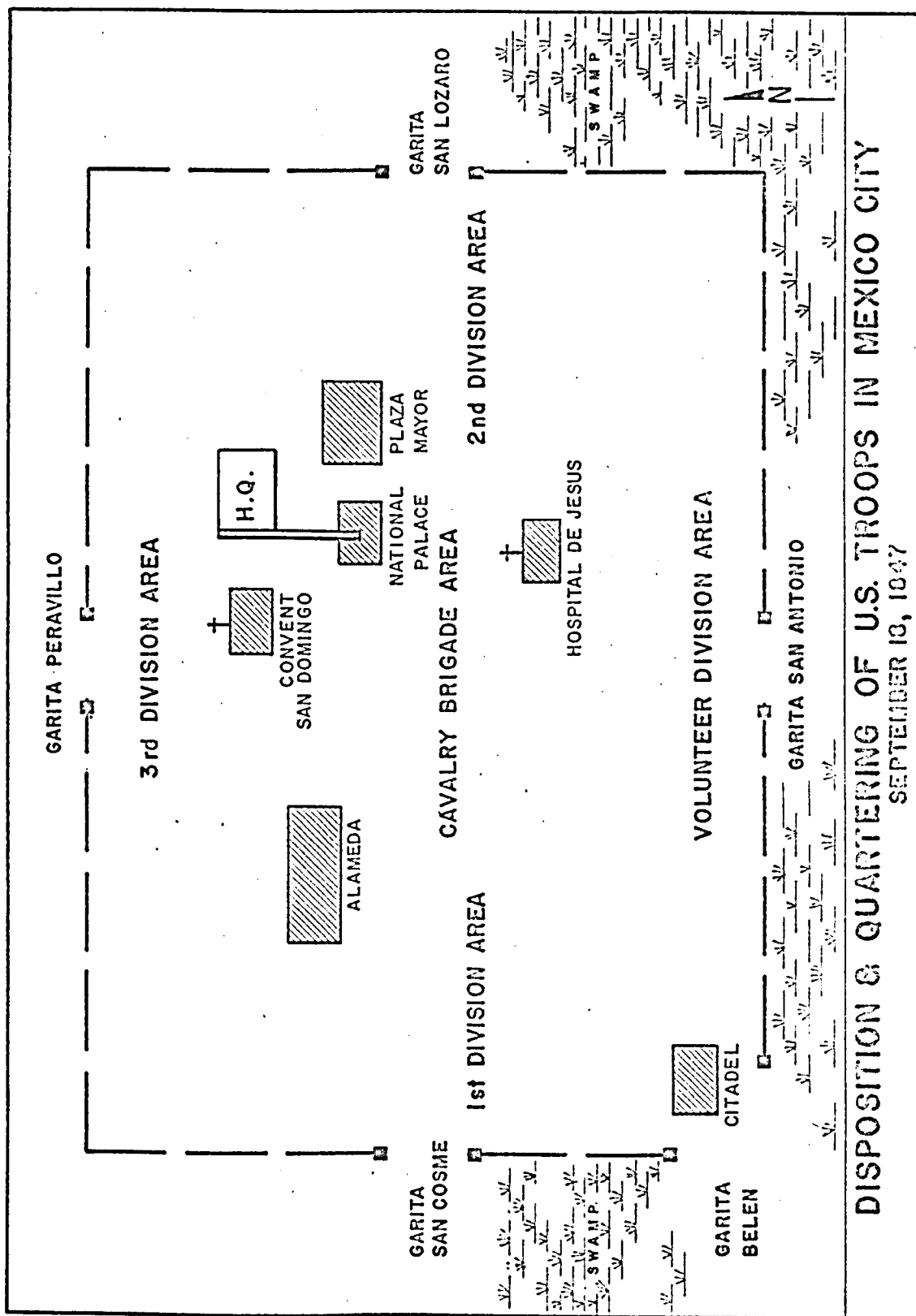
intended to make Mexico City a fortress. His tactical disposition of troops for all-around protection, his retention of the cavalry unit in the vicinity of his headquarters as a reserve - all pointed to the fact that Scott was tactically prepared for any eventuality and now intended to halt his forward movement and settle down to await developments (Figure 5).

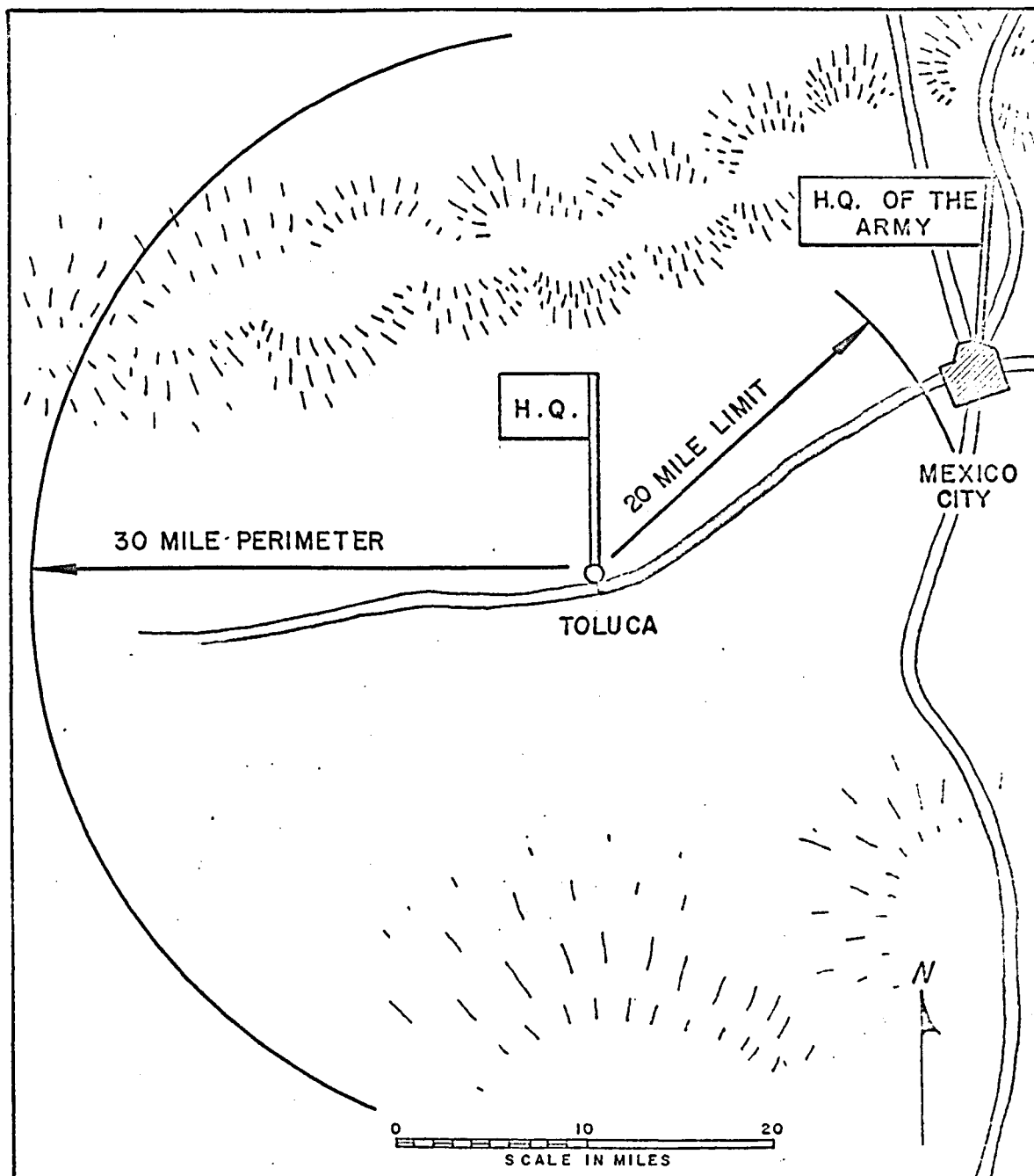
After Scott's establishment of the national headquarters in Mexico City, only one more United States military department was to be designated; this was the Department of Toluca, approximately thirty-two miles southeast of Mexico City (Figure 6). By General Order 7, dated January 5, 1848, Scott established this department on an area basis.²⁰

While adopting the efficient and economical linear type of military government principally along the National road from Vera Cruz to Mexico City, Scott also recognized a continuing need for emphasis on military training and on a system of military inspections if he was to maintain his combat efficiency. Two days after he entered Mexico City, he published a general order to the effect that "tactical exercises under the direction of each division commander,

20. See Appendix 29 for a copy of this General Order.

Figure 5 - DISPOSITION OF UNITED STATES FORCES IN MEXICO CITY (Schematic)





MILITARY DEPARTMENT OF TOLUCA

ESTABLISHED JANUARY 5, 1848

MAP REFERENCE

THE WEST POINT ATLAS OF AMERICAN WARS VOL.I 1689-1900, MAP15a

or other separate commander, would be resumed and take place each day until further notice."²¹ Even when his Army was destitute and suffering from an acute shortage of clothing and essential supplies, one of Scott's subordinate commanders from as far away as Jalapa reported to him that he still continued to "insist upon drills."²² While on the march from Jalapa to Puebla, Scott insisted that, to prevent straggling and marauding, the roll of every company of the Army would be called at every rest halt by, or under the eye of, an officer.²³ In camps and in quarters it was required that there be three such roll calls daily. While in Puebla, Scott published General Order 206, July 9, 1847, which required that no officer or soldier would appear in the streets of any city in Mexico without his side arms. In addition, General Order 238 was published which contained a patrol plan for the city of Puebla.²⁴ Further, in order to prevent surprise by the enemy, one-fourth of each United States regiment or corps would be on constant guard service.

21. The American Star, Mexico City, October 17, 1847.

22. Executive Document 60, p. 1068. As a contrast to the constructive attitude of Scott's Army, General Zachary Taylor reported to the War Department that because of the shortage of supplies in his army, "their inactivity" resulted from no fault or neglect of his. Executive Document 119, p. 252.

23. See paragraph 13, General Order 128, Appendix 9.

24. See Appendix 15 for a copy of General Order 206, and Appendix 16 for a copy of General Order 238.

To improve his supply situation, Scott on two separate occasions, once in Jalapa and later in Mexico City, admonished his troops to stop the waste of ammunition by neglect and idle or criminal firing and to halt the sale or loss of horses, arms, and clothing.²⁵ Soldiers of the Army were threatened with court martial for such crimes under the Articles of War. To insure that his troops were functioning properly in carrying out their security mission in Mexico City, Scott assigned a general officer each day to oversee the entire garrison. In addition to this general officer, there was also appointed daily a field officer and a captain, each with specific duties of security designed to improve the combat readiness of the command.²⁶

While halted in Puebla, Scott conceived the idea of employing a band of Mexican robbers for military purposes.²⁷ This band was known as the Mexican Spy Company, organized to carry United States military dispatches, gather intelligence information for United States forces, and conduct

25. These instructions were effective December 16, 1847. General Order 375 was republished in the American Star, Mexico City, December 17, 1847. These instructions are also contained in paragraph 12, General Orders 287, September 17, 1847, Appendix 19.

26. See Appendix 23 for a copy of this General Order.

27. A good account of this band is contained in Hitchcock, op. cit., pp. 258-265.

counter-guerrilla operations against the Mexicans. The Spy Company, under the command of a Mexican named Manuel Domínguez, wore native clothing and ranged far and wide, mainly along the National road carrying United States military dispatches and obtaining military intelligence information.²⁸ When required, the robber band joined the main body of Scott's troops and fought against their Mexican countrymen side by side with the American troops.²⁹

Another action taken by Scott, which indicated his concern for his tactical posture, was a comprehensive patrol plan. In addition to the main garrisons of Vera Cruz, Jalapa, Perote, and Puebla, Scott directed that independent posts, numbering in some cases up to 1,200 men, be established at designated points.³⁰ The object of the new security posts was to keep the National road open for the flow of military supplies and to give additional escorts to wagon trains "as may be passing either way and may be needed!" In General Order 372 Scott indicated the aggressiveness he required of United States patrols when he directed that "every American post established in Mexico will daily push

28. Executive Document 119, p. 52. Scott emphasized to Taylor as early as June, 1846 the importance of military intelligence and for this purpose "many employees would be needed."

29. The Battle of Tete du Pont, before Mexico City, is one example.

30. Executive Document 60, p. 1028.

detachments, or patrols, as far as practicable to disinfest the neighborhood, its roads and places of concealment"³¹ of guerrillas.

While Scott was applying pressure to reduce or eliminate guerrilla activity along his line of communication, he also took action to discredit Santa Anna in an official United States proclamation³² and continued to pursue the Mexican general with detachments of United States troops. The former action was taken to destroy Santa Anna's image for the Mexican people and the latter was done to keep the Mexican general off balance militarily so that he would be unable to halt, regroup, and perhaps undertake the offensive. General Joseph Lane, upon arriving in Puebla on October 13, 1847 with his brigade, undertook the task of pursuing Santa Anna, and chased the Mexican general throughout the southern area in and about the town of Tehucán, Orizaba, and Córdoba.³³

Another method adopted by Scott to improve his tactical position in Mexico was the systematic destruction of all captured enemy weapons and ordnance

31. See Appendix 26 for a copy of General Order 372.

32. See Appendix 12 for a copy of this proclamation.

33. An account of General Lane's exploits as contained in the American Star, Mexico City, February 2, 1848.

stores to prevent their falling into the hands of Mexican insurgents or nationalistic groups dedicated to continuing the war. The policy of destroying captured enemy equipment was adopted immediately after the fall of Vera Cruz.³⁴ In a subsequent letter to the War Department, Scott stated that the captured small arms obtained at Vera Cruz being of no value to the United States Army in Mexico or to the United States, "I have ordered them to be destroyed." The large pieces of Mexican artillery, being made of bronze, were collected and left intact at Vera Cruz, except for one field battery which Scott took for service with his army. Scott also took action to neutralize the Mexican munitions and armament manufacturing facilities, when encountered, to further decrease the ability of the Mexican nation to wage war.³⁵

Perhaps Scott's greatest problem in trying to maintain his combat efficiency was that of obtaining replacements for his army. Not only did he require immediate replacements at Puebla to improve his own tactical position, but the United States Navy which had occupied Mexican coastal towns on the Pacific side was anxious to be relieved

34. Executive Document 8, pp. 239 and 257.

35. One particular cannon factory was located outside Mexico City and troops were dispatched to neutralize it during that battle.

of occupation responsibilities in order to pursue activities more convenient for ships.³⁶

The replacement problem became so serious that Scott on June 3, 1847, took drastic action. In a letter written at Puebla to Colonel Thomas Childs, the Military Governor of Jalapa, Scott directed that in order "for the Army to operate with effect" the Jalapa Military Department would be abandoned and its garrison would march to join Scott's troops at Puebla for an assault upon Mexico City.³⁷ On the morning of September 14, 1847, Scott entered Mexico City with "a fraction less than 6,000 men." It was not until the 25th of that same month, that the first replacements for his army arrived. Thus Scott operated from Vera Cruz to the capture of Mexico City with his original army, now reduced through wounds and disease from an original force of 13,660 men to an army of only 6,000. It was not until October 13, 1847, about thirty days after the capture of Mexico City, that Scott, learning that replacements had arrived in Vera Cruz, issued instructions to re-establish the Military Department of Jalapa,³⁸ which up to this time had been occupied by only small United States escort detachments. Scott also had plans to occupy successively,

36. Executive Document 60, pp. 1035 and 1085.

37. Ibid., p. 60. The War Department was concerned over this action. See Secretary Marcy's letter to Scott, p. 1003.

38. Ibid., p. 1028.

in proportion to the arrival of replacements, the principal mining districts, of which Zacatecas and San Luis de Potosi were the respective centers. Next, Scott planned to occupy the state capitals within his reach and "surplus means."³⁹ All these actions were considered with a view to improving his combat readiness and consolidating this tactical position as well as producing the means for later enforcing the laws placed upon the Mexican nation for the support of the United States occupation.

39. In this manner the Military Department of Toluca was established.

1

CHAPTER II

OCCUPATION PRINCIPLES AND METHODS EMPLOYED
BY THE UNITED STATES MILITARY FORCE
IN MEXICO

Since Scott had complete freedom of action in Mexico, he had largely to develop his own general principles to apply to all civil affairs and military government operations. It may be said that the following main principles were developed and used by Scott for establishing military rule in Mexico:

1. Military necessity. This principle permitted Scott to apply only that degree of force required to achieve an effective American combat readiness posture with the least expenditure of United States time, life, and physical resources.
2. Humanity. In using this principle, Scott prohibited himself from using any degree of violence not actually necessary for the purpose of war and required of himself that he restore law and order to a frightened society.
3. Benefit of the governed. Subject to the requirements of the military situation, Scott observed the principles of governing for the benefit of the governed. He retained, consistent with the military situation, Mexican laws and customs and fostered other programs of good will and encouraged fraternization between the Mexicans and his troops.
4. Reciprocal responsibilities. Scott assumed the right to demand and enforce such obedience from the inhabitants as was necessary

for the accomplishment of his military mission and the administration of the area. In return for such obedience the Mexicans received freedom from unnecessary interference with their individual liberty and property rights.¹

With his military units dispersed and organized into small self-sustaining segments and occupying critical towns and cities, and with United States soldiers mingling with Mexican inhabitants and free from strict Army discipline, Scott's main concern was that of maintaining an effective military organization for any emergency. According to instructions from the President, Scott was expected to use the force under his control to hold the City of Mexico and other places he (Scott) deemed necessary, as well as keep open the line of communications between Mexico City and Vera Cruz.² President Polk also thought it desirable that Scott open Mexico to the importation of merchandise through the seaports in United States possession, in order that the United States might receive monetary assistance towards meeting the costs of the war. However, the principle of

1. The principle of military necessity was discussed at some length in Chapter I dealing with the maintenance of a combat readiness posture. See United States House of Representatives, 30th Cong., 1st Sess., Executive Document 8, pp. 226-227 for Scott's humanitarian outlook. The retention of Mexican laws and customs was designed for the benefit of the governed; the Mexicans were free of unnecessary interference from American troops for which they in turn offered a temporary allegiance to the Americans.

2. United States House of Representatives, 30th Cong., 1st Sess., Executive Document 60, pp. 132-133, hereinafter referred to as Executive Document 60.

military necessity required that Scott give first priority to his line of communications, in order that his army might receive the supplies and munitions of war necessary to repel any Mexican military effort to expel the United States forces.³

The first occupation principle employed by Scott was the restoration and maintenance of law and order. Introducing a hostile army into the Mexican nation had social, economic, and political effects on the Mexican inhabitants. It was apparent to Scott that the association of Mexican civilians with United States soldiers would have both positive and negative results.⁴ A high friction potential was inherent in such association. Problems such as competition for consumer goods, use of private and public property for quartering troops, the increase in traffic congestion, not to mention the arrival of prostitutes, gamblers, and purveyors of liquor, who all seem to gravitate around military personnel, would offend the Mexican inhabitants and create problems of law, discipline, and troop welfare.

As early as October 8, 1846, more than a month before his appointment to full command in Mexico, Scott recognized that a prime requirement existed in Mexico to

3. Ibid., p. 815.

4. Ibid., p. 1264.

restore law and order. He had observed the extent to which Taylor's difficulties in Northern Mexico were increased by the criminal behavior of many of his troops.⁵ Thus Scott was led to conclude that an urgent task of a military commander operating on foreign soil among foreign people was the preservation or restoration of law and order. Scott was also convinced that this task would be impossible unless both his troops and the Mexican inhabitants understood their obligations and realized that military punishment would be invoked on any violator. To this end, and while still in the United States, Scott drafted his ideas on the employment of "martial law in Mexico."⁶ Since there have always been disagreeable associations connected with the term martial law,⁷ Scott endeavored to place all necessary restrictions upon the employment of this reserved power. He first limited its application to hostile Mexican territory; he attempted to list with some degree of completeness the crimes to which this law would be applied; he instituted

5. Taylor himself held high standards of how troops should behave but failed to impress these standards upon his troops. Lt. George Meade wrote concerning the volunteers: "Their own officers have no command or control over them and the General (Taylor) has given up in despair any hope of keeping them in order." George Meade, Life and Letters of George Gordon Meade, Vol. I (New York: Chas. Scribner's Sons, 1913), p. 110.

6. Executive Document 60, pp. 1263-1264.

7. This arises from early English history and down into the Stuart's reign when resort was had to irresponsible power by the sovereign.

military commissions in place of court martial, to hear evidence; he restricted punishments for enumerated crimes to the known laws of some one of the states of the Union.⁸

Scott submitted his ideas on martial law in Mexico to the Secretary of War. According to Scott, the Secretary returned it "as too explosive for safe handling."⁹ Notwithstanding Scott's claim that the "Polk administration refused to take responsibility" for necessary action, the President on December 5, 1846, relayed to Congress the Secretary of War's request for legislation sanctioning martial law in foreign lands to cover offenses "which are not by express provisions of law within the jurisdiction of any military tribunal." Secretary Marcy stated:

Without some authority to punish such crimes great injury will necessarily result. . . . I therefore recommend that courts martial or some military tribunal to be organized by the general in command should be vested by express provision of law with authority to try offenses committed beyond the limits of the United States . . . where there are no civil or criminal courts, or none but those of the enemy, to which the offenders can be delivered up for trial and punishment.¹⁰

8. Executive Document 60, pp. 1263-1264.

9. Scott's Memoirs, op. cit., p. 393.

10. Quoted by Robert S. Henry, The Story of the Mexican War (Indianapolis: The Bobbs-Merrill Company, Inc., 1850), p. 203. See also the letter from Secretary of War, Marcy, to General Taylor, November 25, 1846, in which Marcy mentions that he made application to the Congress for the establishment of military tribunals. Executive Document 119, pp. 91-92.

Secretary Marcy subsequently wrote to Scott that "the chairman of the committee of the Senate . . . did not consider legislation necessary, as the right to punish such cases necessarily resulted from the condition of things when an army is prosecuting hostilities in an enemy's country."¹¹ Four days later, on February 19, 1847, Scott, at Tampico, took the initiative and published General Order 20, "The Martial Law Order"¹² of which Scott later said: ". . . it worked like a charm, . . . it conciliated Mexicans; intimidated the vicious of the several races, and being executed with impartial rigor gave the highest moral deportment and discipline ever known in an invading army."¹³

Under General Order 20 all violators, Mexicans and Americans alike, were punished in proportion to their crimes. The order did not interfere in the least with the relationship of Mexican to Mexican in the Mexican courts of the country. The American military order provided for a special American military commission to hear evidence for any case in which an American might be a party. The trial of offenses in cases where one party was Mexican and the other American was conducted by these military commissions which were appointed, governed, and limited, as nearly as

11. Executive Document 60, pp. 873-874.

12. See Appendix 1 for a copy of this General Order.

13. Scott's Memoirs, op. cit., p. 396.

practicable, in accordance with the law governing courts martial in the United States service.¹⁴ General Order 20 was the first military directive in the history of the United States Army to establish military commissions as such.¹⁵ These commissions became the forerunners of modern military government courts. Subsequently Scott established additional tribunals for the trial of more serious offenses. These were called "Councils of War" and were similar to military commissions. In discussing the difference between these two tribunals, Birkhimer implies¹⁶ that the acts punishable by military commissions were mainly criminal offenses of the class cognizable by civil courts in time of peace. There yet remained to be organized a tribunal which would handle offenses committed against the "laws of war;" the Councils were such tribunals. As it turned out, the principal charges referred to and passed upon by the Councils were guerrilla warfare and enticing, or attempting to entice, United States soldiers to desert the service.

In spite of the publication of General Order 20 and the threats it contained, Scott recognized that a published

14. General Orders 101, April 9, 1847, contain the charges and sentence of one such case. See Appendix 4 for a copy of this General Order.

15. Colonel W. Winthrop, Judge Advocate General, U. S. Army, A Digest of Opinions of the Judge Advocate General of the Army, published by authority of the Secretary of War (Washington: Government Printing Office, 1880), p. 324.

16. Birkhimer, op. cit., p. 97.

order was no order at all unless "every good soldier shall give his personal aid to authority." Soon after the capture of Vera Cruz and two days after a United States citizen in Vera Cruz was convicted of rape upon a Mexican woman and subsequently hung by the neck, Scott issued General Order 87, dated April 11, 1847.¹⁷ The order emphasized the need for stricter compliance with the original martial law order, General Order 20, and called upon the majority of good American soldiers to denounce and report on the small miscreant minority in the name of honor and country. Nineteen days later in Jalapa Scott again emphasized the need for discipline, and in the strongest terms yet, stated:

Those . . . who rob, plunder or destroy . . . are plainly the enemies of this army. The General-in-Chief (Scott) would infinitely prefer that the few who commit such outrages, should desert at once, and fight against us - then it would be easy to shoot them down, or to capture and hang them.¹⁸

Despite Scott's best efforts, however, the problem of individual discipline was never entirely solved. The same intolerable work of disciplining troops had to be perpetually renewed "or all the credit heretofore acquired by this Army for moral conduct . . . will be lost by new arrivals

17. See Appendix 3 for a copy of this General Order.

18. See paragraph 11 of this General Order at Appendix 9.

and there is no hope of bringing up to proper standard distant posts and detachments." The new replacements arriving in Mexico presented Scott with his greatest disciplinary problems. The older regiments, volunteers as well as regulars, favored by long but necessary halts at Vera Cruz, Jalapa, and Puebla, had been brought "to respectable degrees of discipline, instruction, conduct and economy."¹⁹ But the new levies brought disciplinary problems, and, as Scott said: "my daily distresses under this head weigh me to the earth."

Definitive actions were taken to improve the discipline of American soldiers and to control their activities, particularly in Mexico City. In a decree from the Civil and Military Governor of Mexico City, "All stores selling liquor would be closed at 6 PM for all night."²⁰ Four stores were discovered not complying with this decree and were each fined thirty-five dollars.²¹ The American Star newspaper reported on October 22, 1847 that the closing of the liquor stores in Mexico City was having a good effect upon law and order, especially in places of amusement. Even the daylight hours of liquor store operation were subject to controls from the office of the United States Military

19. Executive Document 60, pp. 1048-1049.

20. American Star, Mexico City, October 19, 1847.

21. Ibid., October 22, 1847.

Governor. Special hours of liquor store operation were established on Mexican festival days when liquor shops were closed all day except for specific hours of operation in morning and afternoon.²²

Recognizing that gambling had an adverse effect upon law and order, the United States Civil and Military Governor of Mexico City issued a decree on December 30, 1847 which directed that on and after January 1, 1848 only three gaming houses would be licensed and recognized as lawful in the City of Mexico. Each one of the recognized establishments was required to pay, in advance, a tax of five hundred dollars. All other public gaming houses were "positively prohibited," under penalty of confiscation of property, imprisonment for thirty days, and a fine of from fifty to two thousand dollars.²³ To further discourage and limit the number of gaming houses, the original tax of five hundred dollars was increased to one thousand dollars per gambling set - a set consisting of one roulette wheel, one table monte game, and one faro game.²⁴

22. Ibid., October 30, 1847.

23. This decree was published in the American Star, Mexico City, December 31, 1847.

24. American Star, Mexico City, February 1, 1848. General Scott's financial report to the War Department as of January 19, 1848, showed a collection of \$9,000 for gambling license. Executive Document 60, p. 1086.

For those soldiers found guilty of disorder, neglect of duty, and similar disciplinary offenses, Scott's punishment was both harsh and also designed to embarrass the offenders. In the category of harshness, the punishment for major crimes was confinement to prison and the wearing of a neck yoke to which was attached an eight pound weight. In the category of embarrassment, United States soldiers found guilty of drunkenness and lesser crimes were confined for thirty days and sentenced "to ride a wooden horse from reveille to retreat for the same period with the exception of one-half hour for each meal."²⁵

In addition to the official pressure for exemplary individual conduct, the military chaplains with the Army in Mexico preached the moral law from the pulpit. "We could wish from the love we bear our country and its institutions that more attention were paid by our troops to the observance of the Christian Sabbath." The military chaplains were certain that a more general church attendance by the officers and soldiers would improve order and morals. Other movements began to take hold. The "Brothers of Temperance" were organized in Mexico City on November 1, 1847. Pledging total abstinence, they dedicated themselves to the dissemination of the principles of faith, love, and unity and to

25. This court sentence was contained in Scott's official orders and republished in the American Star, Mexico City, September 20, 1847.

the attempt to "Crush the Hydra headed monster" - intemperance.²⁶ In late November and early December 1847 the Masons began to organize and to undertake charitable works.²⁷

One of the first major actions taken by Scott after the capture of Mexico City was to issue a new General Order 287, dated September 17, 1847,²⁸ in which he published new and important additions to his old martial law order (G. O. No. 20). Among the important new additions was one that required the establishment of a Mexican police force to work in harmony with the American military police for the protection of private and public property.²⁹ Scott did his utmost to maintain law, order, and discipline in his army. He was sensitive to disorder and outrages committed upon the Mexican inhabitants by American troops and had continually stated in official orders that he would tolerate no disorders

26. American Star, Mexico City, November 21, 1847.

27. General Order 297 specifically prohibited any anti-Catholic activity or disrespect toward the Mexican church. See paragraph 2 of this General Order at Appendix 22.

28. See Appendix 19 for a copy of this General Order.

29. See paragraph 14 of this General Order at Appendix 19. According to the American Star, the Mexican police were extremely inefficient. The paper stated that if the ayuntamiento did not correct this the United States military would. This threat was published in the Star's issue of February 6, 1848.

of any kind, but would cause all offenders to be rigorously punished. "No officer or man, under my orders, shall be allowed to dishonor me, the Army, and the United States with impunity."³⁰

Important in the establishment of effective law, order, and military government, is the appointment of agents by whom law is to be enforced and military government administered. From necessity, the agents selected for these responsibilities will ordinarily be military officers because when the area is first occupied, the personnel on the spot, competent from their training and with the required troops at hand to enforce their authority, are the commander and his subordinates.³¹ Since Scott knew that the United States had no permanent designs on the Mexican interior, he governed according to the laws and usages of war.³² In each military department established by general orders a military commander was designated. This designation was either by name or the order stated that "the

30. Executive Document 60, p. 1029.

31. Birkhimer, op. cit., pp. 66-67. Also congressional speech of Jefferson Davis, op. cit.

32. Scott was there to enforce his will and was able to do it; the Mexicans had to accept what he offered. The laws of war at this time were not in published form but were unwritten laws decreed from precedent. It was not until 1863 that a unified code was published for the guidance of the United States Army in the field.

senior officer present in the department automatically assumed the responsibilities of the commander."³³ In all respects the military governor was the military commander and exercised supreme authority over the Mexican civil population, subject to the laws and usages of war and to any directive received from the United States government or from General Scott.

The prime responsibility of each military governor in Mexico was the maintenance of law and order without disturbing the ordinary functions of the civil authorities as between Mexicans and Mexicans.³⁴ For this purpose a number of United States troops were designated by orders to comprise the garrison of each military department, to enforce such police regulations as might be adopted, including the quartering of troops.³⁵ In addition, United States wagon trains traversing each military department were provided support and protection by the various garrisons along the National road.

Effective law and order depended immediately upon the actions of subordinate officers; however, Scott also

33. These instructions are contained in General Orders 105 and 142. See Appendix 5 and 10 for copies of these orders.

34. See paragraph 2 of General Order 75 at Appendix 2.

35. See Appendix 7 and 17 for copies of these general orders.

realized that he would have to maintain a direct control over subordinate commanders and their military government operations in the various military departments if the American mission in Mexico were ultimately to succeed. When Colonel Thomas Childs was appointed military governor of Jalapa, Scott stated in the general order that Childs would act under instructions from Scott's headquarters only and no other United States officer would interfere with Colonel Childs's carrying-out of his duties. In a directive addressed to all the department commanders from Vera Cruz to Puebla, Scott gave detailed instructions on the collection of forced levies, admonishing his commanders to report to him (Scott) immediately all important incidents and results.³⁶ This central direction of military government operations contributed immeasurably to the development and maintenance of law and order so necessary for successful operations.

If strict control of the activities of the American soldiers would contribute to law and order, Scott also realized that certain pressures applied to Mexicans would still further improve the situation. While Scott was still at Vera Cruz he took the first action along this line, by stating in a proclamation to the people of Mexico on April 11, 1847 that injuries inflicted by Mexican civilians upon

36. Executive Document 60, p. 1071.

American forces would be rigorously punished "or if the particular offenders be not delivered up by Mexican authorities the punishment shall fall upon entire cities, towns, or neighborhoods."³⁷

Eighteen days later, while regrouping his forces at Jalapa, Scott issued General Order 127 in which he specifically stated that "he (Scott) will in the future hold the alcalde, nearest the scene of any robbery or murder, responsible for the apprehension and punishment of the criminals."³⁸ The order specified the penalties to be levied if the alcaldes failed in their mission. On June 3, 1847, Scott ordered the United States garrison at Jalapa to join his main body at Puebla in order to strengthen his force for the assault upon Mexico City. The order which directed this movement also stated that wounded and diseased United States soldiers, unable to travel, would remain in Jalapa under the care of Mexican civil and church authorities. Scott instructed the United States commander at Jalapa to give the Mexicans in Jalapa his solemn assurance "that if the slightest injury should be inflicted on any individual . . . I will not fail to return to Jalapa and to punish the entire city in the most signal manner."³⁹

37. See Proclamation to the Mexican People in Appendix 6.

38. See Appendix 8 for a copy of this General Order.

39. Executive Document 60, p. 997.

Concerning the required payment of monies by Mexican states to help support the United States occupation, Scott threatened:

On the failure of any state to pay its assessment, its functionaries . . . will be seized and imprisoned, and their property seized, registered, reported and converted to the use of the occupation. . . . No resignation or abdication of office . . . shall excuse one of them from any of the above obligations or penalties.⁴⁰

In laboring toward the goal of a satisfactory state of law and order in Mexico, Scott took his strongest action against the guerrillas. Washington policy regarding guerrillas was made clear to Scott in October of 1847 in a statement to the effect that the guerrilla system in Mexico was not recognized as a legitimate mode of warfare and had to be met with severity.⁴¹ Guerrillas, and the people who sustained, sheltered and protected them, were much less entitled to favorable consideration than the soldiers in the ranks of the Mexican Army. Washington further recommended that the guerrillas and their supporters be seized and held as prisoners of war. All their property within reach of the United States Army should be seized and devoted to public use. Those guerrillas implicated in the murder of non-combatants or in robbery or plunder should receive severe treatment. As early as May 11, 1847, while

40. See paragraph 6 of General Order 395 at Appendix 28.

41. Executive Document 60, p. 1007.

at Jalapa, Scott began his personal attack upon this unconventional mode of warfare when he stated in his proclamation to the Mexican nation that the system of forming guerrilla parties in Mexico to annoy the United States forces would only produce evils for the Mexican nation and, far from calming resentments and passions "you will but force upon us the hard necessity of retaliation" for which, he stated, the United States Army could not be blamed.⁴²

It was after the receipt of the Washington letter containing the guerrilla policy of the Polk administration that Scott published his General Order 372 of December 12, 1847,⁴³ to announce to his troops the views and instructions of "General Headquarters" on the subject of guerrillas. Scott directed that "no quarter be given to known murderers or robbers, whether called guerrillas or rancheros." Scott thought they ought to be exterminated. However, to prevent his soldiers from becoming murderers themselves Scott directed that "offenders of the above character (murderers and robbers) . . . falling into the hands of American troops, will be momentarily held as prisoners, that is, not put to death without due solemnity."⁴⁴

42. See copy of Proclamation to the Mexican Nation at Appendix 12.

43. See Appendix 26 for a copy of this General Order.

44. Ibid., paragraph 4.

Official military action to improve law and order in Mexico was also directed against the common Mexican citizen. The simplest way to render the hostile individual ineffective was to control the weapons at his disposal (which ranged from guns and knives to rocks) and to subject him to public punishment in the plaza of his town or neighborhood for infractions of military government rules. As soon as Vera Cruz was occupied and General William Worth appointed as military governor, a general order was issued by Worth's office which required the alcalde of Vera Cruz "to cause all citizens other than such as may receive special authority, to deliver up their arms into his custody."⁴⁵ All arms received from the civilians under General Worth's order were then to be stored in public warehouses under the control of the United States Army. In Mexico City General Scott instructed his guards to "search all suspicious persons, disarm, and if necessary, confine them for trial and punishment." However, it remained for General John A. Quitman, the military governor of Mexico City, to direct, after several American soldiers had been attacked from rooftops, that "owners or occupants of all houses, or buildings within the City of Mexico

45. Executive Document 60, p. 932.

upon the roofs of which stones are deposited are hereby required to cause the same to be immediately removed and taken down."⁴⁶

In spite of the stringent actions taken to control individual weapons and keep them out of the hands of Mexican civilians, the task was never fully achieved for the attacks upon American soldiers continued until Scott departed Mexico in late February 1848.

Another method employed among the Mexicans, particularly the leperos, was the United States Army practice of publicly punishing the violators of American military rule. For crimes such as theft, attempted murder, and for general disorder in the city, the guilty were paraded before their countrymen and then whipped in the public square.⁴⁷ The American Star reported one such whipping: "A Mexican was whipped in public for attempted murder on an American soldier. The plaza was crowded with the lower order crowding up to the whipping post by the hundreds. The Dragoons charged them and drove them off but

46. This decree of the United States Civil and Military Governor was published in the American Star, Mexico City, in English and Spanish on September 30, 1847.

47. Mexican historians state that the ayuntamiento protested such public punishment but Scott answered that it was a customary right established by military laws. See particularly Ramon Alcaraz, The Other Side: Or Notes for the History of the War Between Mexico and the United States, translated from the Spanish by Albert C. Ramsey (New York: J. Wiley, 1850), p. 419.

stones were thrown."⁴⁸ The paper, in commenting upon such behavior of the Mexicans, recommended that the best thing for the Mexican crowd was "a dose of ball and buck, not over their heads, but put in straight." On November 27, 1847, it was noted in the American Star that the "lower order" (leperos) were now quiet because of the effectiveness of the public whippings.

The Catholic clergy of Mexico played an important role as mediators between the United States military and the Mexican people in the promotion of law and order. Scott himself admitted in a letter to Secretary Marcy⁴⁹ that his (Scott's) first proclamation to the Mexican people issued on April 11, 1847 was written in Spanish at the insistence of persons of high standing in the Church who suggested the "topics and sentiments most likely to find response in the bosoms of the Mexicans and to promote the cause of justice, moderation, and peace." In November 1847 in Mexico City the Mexican Catholic archbishop negotiated with Scott for the release of Mexican prisoners whose fathers, wives, children, brothers and other relations "loudly entreated their liberty." At Scott's insistence, the archbishop explained the customs and usages of war to

48. The American Star, Mexico City, November 9, 1847.

49. Executive Document 60, p. 963.

his charges, and in late December 1847 over 800 Mexican prisoners were released from confinement.⁵⁰

Scott's second principle of occupation found expression in his continuous efforts to foster good will and understanding between the American soldiers and the Mexican inhabitants.

Scott indicated his desire for cooperative relations by allowing the Mexicans to retain their local law, customs, institutions, and political sub-divisions. By the laws of war, as known in 1847 and 1848, an invaded country could have all its laws and institutions swept aside. Whatever former laws were retained during the period of military government depended upon the policy of the invader. Usually the military are left a free rein in this decision, and usually, for convenience sake, laws of the invaded country under military government are continued in force by the conqueror insofar as they are consistent with effective military control.

The retention of local laws and institutions relieves the conqueror of the detailed and unwelcome functions of civil government and it tends to secure the contentment of the governed. Business pursuits and social relations of the people are disturbed as little as possible.

50. Ibid., pp. 1054-1057.

The first indication of United States policy in this regard came March 2, 1846, when the Secretary of War wrote to General Zachary Taylor that it would be proper to quiet all apprehension by a public announcement that "the rights of property, persons, and religion would be respected."⁵¹

On June 4, 1846, a proclamation prepared in Washington and stating the above policy was dispatched to General Taylor in northern Mexico for dissemination to the Mexican people. Undoubtedly, as senior officer in the Army in Washington, Scott either had a hand in the preparation of Taylor's proclamation, or was familiar with its contents.

In December 1846, the Congress of the United States debated civil affairs policy in Mexico in the lower House. It remained for James A. Seddon⁵² of Virginia, speaking for a majority of his colleagues, to state:

The worst of all conditions for a people is to be without government at all, a prey to anarchy and confusion. . . . For a conqueror to overthrow an existing polity and to leave a submissive people to such horrors would be such a tyranny as no principle of humanity or law could tolerate.⁵³

51. Ibid., p. 92.

52. Perhaps Seddon is best known as Secretary of War in the Cabinet of President Jefferson Davis of the Confederate States.

53. Congressional Globe, 29th Cong., 2d Sess., 1846, pp. 23-24.

Scott, in New Orleans on December 19, 1846, on his way to Mexico, may have been aware of this congressional remark; in any event, when it was time for decision in Mexico he was familiar with the general policy furnished earlier in the proclamation to General Taylor and acted accordingly. In Vera Cruz on March 28, 1847, Scott issued General Order 75, which directed that military government be instituted in that city without disturbing the ordinary function of the civil magistracy, as between Mexicans and Mexicans.⁵⁴ Shortly after the capture of Mexico City Scott issued General Order 297 which requested all Protestant Americans to pay respect and deference to the Catholic customs of Mexico.⁵⁵ Municipal officials of cities were requested to remain on duty to serve their people. Scott allowed such officials to continue to collect customs and duties in Mexico City.⁵⁶

Scott was adamant on the subject of private property. General Order 162 issued at Puebla specifically directed that no private building, stable, or lot of ground would be occupied by United States troops without giving reasonable

54. See copy of General Order 75, at Appendix 2.

55. See Appendix 22 for a copy of this General Order. Scott's Proclamation to the People of Mexico, Appendix 6, also contains thoughts on this subject.

56. Executive Document 60, p. 1049.

rent.⁵⁷ On September 18, 1847, in General Order 289, when Scott ordered the general quartering of his Army in Mexico City, he specifically directed among other things that no private houses be occupied until all suitable public buildings were first fully occupied, and that no private house be occupied without the free consent of the owner. "Reasonable rent" was paid to the Mexican property owners up until the end of November 1847 when Scott changed this procedure with issuance of his General Order 358 which contained instructions to the Army for raising within the occupied country "the means in whole or in great part of maintaining the expenses of the occupation."⁵⁸

Scott must have been familiar with the administration's policy set forth in a letter from the Secretary of War to General Taylor on September 22, 1846, regarding the supply of the United States Army in Mexico.

An invading Army has the unquestionable right to draw its supplies from the enemy without paying for them. . . . The president hopes you will be able to derive from the enemy's country without expense . . . the supplies you need or a considerable part of them, but should you fail in this, you will procure them in the most economical manner.⁵⁹

57. See Appendix 13 for a copy of this General Order. General Orders 287 and 289 at Appendix 19 and 20 contain additional information on this subject.

58. See Appendix 24 for a copy of this General Order.

59. Executive Document 60, pp. 341-342.

Nevertheless, both Taylor and Scott, when the latter arrived in Mexico, rebelled against the policy of obtaining supplies by force from the Mexicans without payment. Taylor argued that the payment for supplies had "neutralized much of the unfriendly feeling."⁶⁰ Scott insisted that to seize supplies would force the Mexicans into destroying their products, and nothing would be obtained "except by the bayonet."⁶¹ Scott argued further that all combat operations in Mexico would cease because his troops would be spread out in the country, "occupied, full time, in obtaining subsistence." The arguments of the military leaders prevailed. On April 11, 1847, Scott issued his first definitive instructions concerning the purchase of supplies for the United States Army in Mexico: "Soldiers must each purchase for himself fairly and honestly, as at home, all comforts not supplied by the government."⁶²

In Mexico City, on November 25, 1847, Scott again instructed his army in General Orders to acquire supplies by purchase only, and reminded the troops that the injunctions and penalties of the Martial Law order would be strictly enforced.⁶³ The American Star subsequently

60. United States House of Representatives, 29th Cong., 2d Sess., Executive Document 119, p. 76.

61. Executive Document 60, p. 963.

62. See copy of General Order 87 at Appendix 3.

63. See paragraph 4 of General Order 358 at Appendix 24.

reported that thousands of Mexicans who had heretofore found it difficult to obtain a market for their goods, except at low prices, now "are at no loss to dispose of them and for ready cash."⁶⁴

Scott recognized the value, both for the Mexicans and for his own mission, of preserving the Mexicans' individual rights and liberties. He recognized that the protection of individual political rights in Mexico would contribute to the success of his military government operations. American measures designed to protect Mexican civil liberties might so favorably impress the Mexicans as to induce them to elect municipal officials who would cooperate with the occupation policies of the United States. Scott accordingly undertook the task of preserving the political rights of the Mexican inhabitants vis-à-vis their Mexican government.

The provisional Mexican government located north of Mexico City at Querétaro, decreed that elections of any Mexican city, state, or national officials, would be prohibited in places where American troops were located. Such elections would be held over until such time as "Perfect freedom can be had."⁶⁵ Taking the attitude that

64. American Star, Mexico City, October 21, 1847.

65. Ibid., December 4, 1847.

it was not for the provisional government of Mexico to say who shall govern the principal Mexican cities, General Scott, through his military and civil governor of Mexico City, General Quitman, issued an order which stated:

Any decree of the Mexican General Government affecting or modifying the political rights of those living in the territory occupied by the American Army is null and any attempt to promulgate such decree as effective or to enforce it without consent and approbation of the American authorities will be considered and punished as a direct opposition to them.⁶⁶

In other words, the people of Mexico living in occupied areas had the right to hold their municipal elections without any interruption from the Mexican provisional government at Querétaro.

When the American Army entered Mexico City, the city merchants had already closed their shops and stores to the "barbarians from the north." On September 20, 1847, six days after the city had been occupied, the American Star observed that, "Everything was now perfectly quiet within the city. All that is wanting to give it a pleasing appearance to us is the opening of all the stores in the city. This we hope to see immediately. . . . Those who keep their places of business closed injure themselves unnecessarily."⁶⁷

66. United States Decree of December 10, 1847 and republished in Spanish in the American Star, December 11, 1847.

67. American Star, Mexico City, September 20, 1847.

In the meantime, while Mexican merchants were being encouraged to reopen their places of business, American civilians in Mexico City were quickly opening available buildings as restaurants and hotels catering to the occupying troops.⁶⁸ On October 7, 1847, almost a month after the fall of Mexico City, the American Star reported that "American dollars were falling fast into Mexican pockets." The white flags which adorned almost every house and storefront in the city had been taken down. Stores had reopened, confidence was returning, and an understanding was developing between the United States soldier and the Mexican. Official decrees issued by the United States military and civil governor of Mexico City directed that no articles of produce or consumption would be prohibited entry or departure from the city.⁶⁹

Another method of fostering good will among the Mexican people was the humanitarian treatment of the hungry and the liberal policy concerning Mexican prisoners of war.

68. Advertisements appearing in the American Star, Mexico City, September 28, 1847 and October 17, 1847, list such establishments as the Eagle Coffee House, Soldiers Home, U. S. Hotel, Orleans House, Lone Star House, Mansion House, and in each location "is kept on hand the best liquor that can be procured on the market." At the Eagle Coffee House steaks and chops were always on hand and "done up in the best and promptest manner."

69. This particular decree was issued on November 6, 1847 and specifically listed "munitions" as an item not allowed free circulation. American Star, Mexico City, November 11, 1847.

For Scott the war was not fought in a vacuum, on a battlefield, from which all traces of humanity had been removed. Scott balanced humanity against the urgency of military necessity in planning and conducting his campaigns.⁷⁰

One of the first actions taken by Scott upon the capture of Vera Cruz was to provide the hungry civilian inhabitants with direct issues of food rations from Army stocks.⁷¹

From his headquarters in Tacubaya, Mexico, with the issuance of General Order 262 concerning the temporary armistice agreement with Santa Anna,⁷² Scott again displayed his concern for humanity when he directed that the United States Army not obstruct the passage from the open country into the City of Mexico of "the ordinary supplies of food necessary to the consumption of its inhabitants or the Mexican Army within the city."

Scott's liberal attitude towards the parole of Mexican prisoners of war was prompted partly by necessity and partly by other considerations. He admitted to the War

70. Executive Document 8, p. 226.

71. General Taylor, in Northern Mexico, took similar action. An accounting of this in table form, showing number and type of rations issued, is contained in Executive Document 60, p. 1182.

72. See Appendix 18 for a copy of this General Order. See Article 7 of this armistice agreement.

Department soon after the battle of Cerro Gordo that the parole of Mexican prisoners was necessary because his army did not have the means of feeding them and could not afford to detach a large body of cavalry to guard them en route to Vera Cruz.⁷³ He also stated that one of the principal motives for paroling the prisoners was "to diminish the resistance" of other Mexican garrisons on his march toward Mexico City.⁷⁴ Attesting to Scott's humane treatment of prisoners, in Mexico City, the American Star commented, one month after occupation, that the one thousand or more Mexican prisoners, both military and civilian, in the jails in Mexico City, were comfortable and well provided; "ten head of cattle were taken to them daily and they had beef two times a day."⁷⁵

In his efforts to foster good will and understanding between the United States soldiers and Mexicans, General Scott even had occasion to censure one of his senior officers, General William Worth, who saw fit to accuse the Mexican citizens in Puebla of purposely poisoning food offered for sale to the soldiers.⁷⁶ A special court of

73. Executive Document 8, p. 257 and Executive Document 60, p. 1233.

74. Executive Document 8, p. 258.

75. American Star, Mexico City, October 17, 1847.

76. Cadmus Wilcox, History of the Mexican War (The Church News Publishing Company, 1892), p. 579.

inquiry, appointed by Scott, investigated Worth's accusation and deemed that it was "highly improper and extremely objectionable," especially as it might tend to exasperate the whole Mexican nation and thwart the pacific policy of the United States.⁷⁷

Another method adopted by Scott, and one which made an almost immediate favorable impression upon the Mexican people, was Scott's instructions to his troops to "clean all army wagons and other army equipment out of the Alameda (City Park) and return this park to the Mexicans for their pleasure."⁷⁸ The United States military and civil governor of Mexico City decreed that the Alameda was not a thoroughfare for the "racing of wagons;" it was designed for Mexican pleasure and recreation; no exercising of United States horses was permitted under a penalty of ten dollars fine for each offense. When the Alameda had been reverted back to its original purpose, American soldiers, impressed with its beauty and serenity, began using the park as a cemetery. Again by decree the army was prohibited from this practice.⁷⁹ On September 28, 1847 the American Star reported that as a result of these and similar actions, confidence was perfectly restored in the city.

77. Ibid., p. 580.

78. American Star, Mexico City, September 25, 1847, and October 14, 1847.

79. This decree of September 28, 1847, was republished in the American Star, Mexico City, September 30, 1847.

There was scarcely a place of business not opened.

What more clearly than anything else demonstrates the fact that contentment reigns in a great measure is the scores and scores of families that begin to promenade. Wherever you see the softer sex walking the streets in confidence you may set it down at once that things are as they should be.⁸⁰

An important vehicle for achieving good will in Mexico was the American Star newspaper. This paper, at first tri-weekly, then a semi-weekly, and after October 12, 1847 a daily, was the most important organ in Mexico for the circulation of news of the United States Army. In its issues appeared the official orders and decrees of the military government office and news of daily affairs in the various occupied areas of Mexico. A part of each issue was published in Spanish and in that language the policy and viewpoint of the United States was made known to the Mexicans. In its pages American and Mexican merchants advertised items for sale to soldiers. Lost and stolen horses, missing friends and acquaintances, rewards for missing articles were all advertised in the American Star and given wide distribution in the occupied areas.

The American Star was not without its counterpart and Mexican competitor - El Monitor Republicano. El Monitor was a great critic of the American occupation and accused the Americans of all types of atrocities against

80. American Star, Mexico City, September 28, 1847.

the Mexican inhabitants.⁸¹ El Monitor published the official battle reports of General Scott as well as those of the Mexican generals who were his opponents. Not surprisingly, there were significant discrepancies in the reports from the two sides. El Monitor, however, provided a public service to the Americans in that the paper was required to publish in Spanish various military orders and decrees of the American forces.⁸² El Monitor also defended the unfortunate Mexican people from American humiliation.⁸³

81. One such accusation was that Americans were burning Mexicans "at the stake" in the outlying towns for violations of military government laws. (American Star, January 5, 1848.) Another was that Mexicans were being arrested, conducted to United States troop quarters and there put to death. (American Star, Mexico City, October 7, 1847.) Other papers critical of the Americans were El Independiente of San Luis Potosí, El Moreliano of Morelia, and El Federalista of Querétaro.

82. When the paper received instructions to print and circulate an American order or directive in Spanish, it was also told how long to run the entry and instructed to send the printing bill to the United States forces for payment. On one occasion, El Monitor was guilty of mis-translation in connection with the American directive on "contributions." El Monitor stated that revenues when collected were to be "received by Mexican authorities" when in reality American authorities were to receive such revenues. American Star, Mexico City, December 23, 1847.

83. El Monitor accused the United States Army wagoneers of humiliating the unfortunate Mexican people by adorning United States mules with military ornaments and clothing belonging to the Mexican soldiers. American Star, Mexico City, October 5, 1847.

The third occupation principle employed by Scott was the encouragement of fraternization between the Americans and the Mexican inhabitants. The United States Army in Mexico adopted various programs designed to encourage understanding and cooperation between the military and Mexican civilians. In Mexico City the American Library located on Refugio Street was available as an information center, military bands played concerts for all who were interested, and joint United States-Mexican civil programs were planned.

On September 30, 1847, shortly after the occupation of Mexico City, the splendid National Theater was opened for the entertainment of the United States troops. Subsequently the American Star reported that the enterprise was a huge success and that the theater was "crowded every night." The behavior expected of the American troops in the theater was stipulated in order to present a more refined appearance to the Mexican patrons of the theater:

Gentlemen should only show themselves to the audience in the pit or boxes of the theater and not from the stage. Yelling in the theater will be unfashionable during December. Boots over the boxes will be unpardonable unless silver heeled and well polished. The cheering of distinguished officers will be dispensed with. No ladies pink bonnets should be worn to the theater by "Yankified Mexicans."⁸⁴

84. American Star, Mexico City, November 30, 1847.

Mexican actors and actresses were employed by the theater management, and, for exceptional service in the entertainment of the American forces, the gratitude of the Americans was appropriately shown.⁸⁵

For those fond of dancing and other amusements, a ballroom was opened in Mexico City on Calisco Street, opposite the National Theater; another was on Balemitas Alley, and a third, the most crowded of all, was located in the Hotel of the Bella Union. One Mexican historian described the Hotel of the Bella Union in these terms: "In the lower rooms of the hotel there was gambling; on the second floor drinking saloons, billiards and dancing; and those on the top floor were chiefly devoted to purposes which propriety will not permit us to mention."⁸⁶ This same Mexican historian commented that the Mexican fairer sex were more abundant than could have been wished. The American Star promoted the warm relations between Americans and Mexicans by advertising that dances would be held every

85. One such demonstration of American gratitude was given in honor of Señora Cañete, the Queen of Drama of the Teatro Nacional. A committee led by five United States Army Generals staged the "complimentary benefit." A check for \$1,000 was presented to the Señora and two military bands were present for music. American Star, Mexico City, November 25, 1847.

86. Ramon Alcaraz, op. cit., p. 416. El Monitor also commented on the "low order of American entertainment." American Star, Mexico City, October 7, 1847.

Wednesday and Sunday of the week and remarking that "there is quite an array of beauty there."

Bullfights in Mexico City were held as early in the occupation as September 23, 1847. This was a popular amusement for the Americans and they were quick to show their appreciation to the matador for his bravery in the arena. When the Italian Opera Company and Circus arrived in Mexico City the American Star stated "for amusement of every variety the Army has never been so blessed."

If the theater, dancing, and sporting events did not suffice to interest Mexican families in becoming acquainted with the American forces, perhaps they could be melted by the appeals made to their private aesthetic tastes. The American Star reported that it was pleasant when passing through the streets of Mexico City "to hear the sound of pianos" with some sweet Mexican or Spanish voice as an accompaniment. "If the songstresses of this city knew what passionate admirers we Americans are of this instrument we are sure they would throw open their doors and give us a chance to see them run their fingers over their keys if not to accompany them in song."⁸⁷

To further assist the occupying troops in their quest for better understanding and warmer relationships with the Mexican people, enterprising Americans were quick

87. American Star, Mexico City, November 20, 1847.

to make available a "just published" "Easy Guide to the Spanish Language" for officers and soldiers - "learn to speak this beautiful language without the assistance of a master."⁸⁸ For those who required a master a "Harvard graduate" had opened a language school and was available for private Spanish instruction.⁸⁹

Thus Scott pursued his aims of establishing the United States Army in Mexico as the sole authority to be respected and obeyed, and of creating a climate of cheerful cooperation with that authority.

88. Ibid., November 11, 1847.

89. Ibid., October 7, 1847.

CHAPTER III

MILITARY GOVERNMENT IN OPERATION

One object of establishing a military government in Mexico was to render General Scott's, and, therefore, the American hold on the Mexican nation secure. The character of military government to be established over the conquered territory depended to a considerable extent upon the responsibilities that Scott was prepared to assume toward the Mexican people. Against the persons and property of the Mexicans Scott could have adopted any measures authorized by the laws of war unless the President and Congress otherwise determined, but Scott chose to restore, so far as possible, the normal conditions in Mexico that the war had interrupted.

Military government is primarily an instrument for carrying out the policy of the President. However, there are times when the senior military commander becomes, of necessity, a policy maker in his own right. He may deal first-hand with a situation, the complexity of whose details he is not able to communicate to policy makers at home. Because of the primitive state of communication such was Scott's position in Mexico.

Soon after the fall of Vera Cruz to the American forces, Scott took a major action on his own initiative to make known to the Mexicans his occupation policy and the responsibilities he would assume toward the Mexican people. His proclamation to the Mexican people of April 11, 1847 was drafted with the help of the hierarchy of the Mexican Church and Mexican civil officials, and in General William Worth's words from Puebla on May 19, 1847: "It takes admirably and my doors are crowded for it . . . (it) has produced more decided effects than all the blows from Palo Alto to Cerro Gordo."¹ Even President Polk, who was generally short on praise for Scott, had good words and regarded Scott's first proclamation as a document containing "topics and sentiments the most likely to find response in the hearts of the Mexicans."²

Scott's first proclamation to the Mexican people committed the United States forces to protecting the Mexican Catholic Church and the unoffending inhabitants of the country and their property. In addition, Scott encouraged the Mexicans to bring in for sale to the United States forces their products and animals. For this the United

1. United States House of Representatives, 30th Cong., 1st Sess., Executive Document 60, p. 967, hereinafter referred to as Executive Document 60. A copy of Scott's proclamation is at Appendix 6.

2. Ibid., p. 975.

States forces would offer complete protection to all vendors. The proclamation promised that the good faith and energetic discipline of the United States Army would be directed toward these ends. This proclamation was almost a model of the combination of military realism and conciliatory attitude which experience has subsequently shown will best succeed in producing maximum cooperation and minimum resistance from an occupied population. On May 11, 1847, in Jalapa, Scott issued his second proclamation, this one to the Mexican nation. In strong terms he discredited the government of Santa Anna and his generals and again repeated certain occupation responsibilities the American Army would assume toward the Mexican people.³

The text of any proclamation informing a hostile population of the fact and objectives of an occupation will vary according to the existing situation; however, for Scott on this occasion, certain factors appeared to influence the text of his proclamation. These were: the United States political-military objectives to be attained; the precariousness of the military situation at the time; the attitude of the Mexican inhabitants; the traditions,

3. A copy of this proclamation is at Appendix 12. There is no evidence that Scott had assistance from Mexican officials in drafting this proclamation. The propaganda objectives outlined in Executive Document 60, p. 156, appear to have been Scott's goal.

customs, and desires of the local population; and the degree of United States control required. Scott, with the help of the Mexican Church and other Mexican officials, recognized these influencing factors in Mexico, and the tone and character of his two proclamations were in keeping with these observations.

Since Scott's proclamations were basically conciliatory, it was not difficult for him to convince the Mexican inhabitants that it was in their best interests to resume their normal activity.⁴ This quick resumption of activity by the Mexicans led the American Star to remark as early as September 28, 1847, that in its opinion Mexican confidence was "perfectly restored." Mexico City, on November 9, 1847, was described as quiet and calm "like some New England city."⁵

To assist the Mexicans to recover from the presence of the United States Army in their midst, Scott assumed the responsibility of improving the economic standing of the individual Mexican by abolishing all transit duties payable at the gates of cities and on passing the boundaries between states.⁶ In addition the cultivation and sale of

4. Ramon Alcaraz, The Other Side: Or Notes for the History of the War Between Mexico and the United States, translated from the Spanish by Albert C. Ramsey (New York: J. Wiley, 1850), p. 227.

5. American Star, Mexico City, November 9, 1847.

6. See paragraph 9, General Order 376, at Appendix 27.

tobacco was terminated as a Mexican government monopoly and made free to all Mexican inhabitants.⁷ The United States Army took an additional responsibility toward individual Mexicans by employing thousands of them on a voluntary basis in the manufacture of United States Army shoes and clothing.⁸ The American Star remarked that the entrance of the American Army into Mexico was of great benefit to the Mexicans because thousands of them who had hitherto received only two or three reals for a day's labor "now receive enough for comfortable living."⁹ Since resumption of city activity also depended upon the receipt of imports and the ability to export Mexican products, Scott directed that Mexican forces open and keep clear the roads and trails in the vicinity of Mexico City. Scott encouraged Mexican merchants to ship Mexican goods with American wagon trains along the National road to and from Vera Cruz and he guaranteed United States Army protection of these Mexican products from guerrilla attacks.¹⁰

Citizens of Mexico City were allowed to resume their custom of "hunting water fowl on the marshes" in the valley of Mexico every fall and winter. To this effect a

7. See paragraph 2, General Order 395, at Appendix 28.

8. Executive Document 60, pp. 1013, 1061.

9. American Star, Mexico City, October 21, 1847.

10. Ibid., November 25, 1847.

special decree was issued by the United States Civil and Military Governor of Mexico City which informed all United States personnel that the usual Mexican hunting season would commence on the marshes and American soldiers would not molest the Mexican hunters.¹¹

General Scott made an effort to eliminate or curtail black market operations in Mexico. The first action taken in this respect was in Vera Cruz. General William Worth, the United States Civil and Military Governor, issued an official order on April 1, 1847, which established a ceiling list of prices on six "necessaries and comforts of life." The purpose of this order, in General William Worth's words, "was to prevent exactions which fall principally on people in moderate or indigent circumstances."¹² The penalty for violations of established price levels in Vera Cruz was debarment from vending and a fine of ten dollars for every offense. Away from the Atlantic seacoast and into the interior the ceiling prices were slightly higher than those of Vera Cruz with the greatest difference perhaps occurring in the price of milk.¹³ However, in December 1847 the American Star commented that the market of Mexico City "had reasonable

11. Ibid., November 7, 1847.

12. A copy of this order is contained in Executive Document 60, p. 934.

13. The milk price in Mexico City was 25¢ per quart as compared to 6¼¢ per quart in Vera Cruz.

prices with six eggs selling for one bit, and oranges cheap enough to be given away."¹⁴

In addition to controlling the prices of various foods on the Mexican markets, the United States forces also turned their attention to the black market operations in the Mexican exchange rate for United States money. For example, a special decree issued September 27, 1847 by the United States Governor of Mexico City published information concerning the rate of exchange of United States money.¹⁵ The Mexican operators were depreciating United States money by allowing only eighteen and three-quarter cents on a United States quarter of a dollar.¹⁶ This practice was occurring at the highest financial level, for the American Star reported that in one instance a Mexican banker was convicted and fined five dollars for such activity.¹⁷

Another curb placed upon black market activity was one in which General Scott directed that any Mexican, or resident or traveler, in Mexico who ". . . shall purchase of any American soldier, either horse, horse equipment, arms, ammunition, accoutrements, or clothing shall be tried

14. American Star, Mexico City, October 29, 1847.

15. Ibid., September 28, 1847.

16. Ibid., October 17, 1847.

17. Ibid.

and severely punished by a military commission . . ."¹⁸

An important responsibility assumed by Scott toward the Mexican people, and only second to the restoration of law and order, was one of enforcing public health standards among all the inhabitants, both American and Mexican, of the occupied cities and towns. Aware that his army had suffered greatly from disease and sickness during the combat phase of his operation, Scott was determined to clean up Mexico within the limits of the medical knowledge of his time. He took steps to control or prevent epidemics,¹⁹ sanitary measures were emphasized,²⁰ and the Mexicans were required to keep their city streets clean. Scott and his army performed all the functions now recognized as pertaining to military government responsibility for public health; prompt burial of the dead; restoration of water supply; removal of waste and debris; the

18. See paragraph 12, General Order 287, at Appendix 19.

19. American Star, September 28, 1847. Numerous advertisements also appeared, i.e., "Dr. Graves, having on hand a supply of vaccine, is ready to vaccinate all who may desire it."

20. "Under the windows of barracks streets are wet and rather too filthy in consequence of soldiers throwing out their slop, and dirty water and such upon the street, . . . this should cease. . . ." American Star, Mexico City, November 14, 1847.

inspection of food; and measures to control or prevent epidemics.²¹

Notwithstanding the fact that legal jurisdiction over affairs exclusively Mexican was reserved for Mexican courts, Scott's responsibilities toward the Mexican people, according to them, extended from public problems to those of a private nature. Soon after the capture of Mexico City, principal Mexican citizens entreated Scott to personally protect them against the depredations of other Mexicans, and in a special case one of the first families of Mexico City requested help of the United States Army to arrest one who had "robbed the paternal roof of one of the brightest ornaments in the family circle."²²

Except as restrained by the laws of nations, the will of the conqueror is the law of the conquered. If any local Mexican authority continued, it would only be with the permission of the conqueror and with power to do only what the conqueror might authorize. For the conqueror the success of his arms, or the rule of military

21. See Fifty Years in Camp and Field, Diary of Major General Ethan Allen Hitchcock, USA, edited by W. A. Croffut (New York and London: G. P. Putnam's Sons, 1909), p. 308, wherein Mexico City is described as an unhealthy spot because "filthy water and sewage stand permanently within two feet of the surface of the streets."

22. "The purloiner of this domestic article was a Reverend Father of the Church whose religious ideas of sackcloth and ashes has been driven away by the promptings of the flesh." American Star, Mexico City, November 11, 1847.

necessity, must always be the primary consideration. The conqueror reserves the right to put into operation the sterner rules of war applicable to any particular situation. In accordance with this first rule, the rule of military necessity, Scott sought to control the movements of Mexicans and neutrals alike. The day after the capture of Vera Cruz, it was directed by the civil and military governor of that city, General William Worth, that all Mexicans would be allowed to enter and leave the city freely only between the "hours of reveille and retreat."²³ During the hours of darkness all Mexicans would be confined to the city. Since combat operations were still being conducted, the control of the movement of civilians was of primary importance since they could endanger security and impair the maneuverability of United States military units. In Mexico City, unarmed persons were permitted to pass through the city gates to the outside, but were not allowed to take unauthorized arms, tobacco, or public property with them. Since military operations had virtually ceased in the vicinity of Mexico City by this time, there was no requirement for these travelers to return to the city limits by nightfall. However, with Mexican guerrillas and thieves abroad at night, there was little

23. Executive Document 60, p. 932. United States soldiers were likewise ordered out of the city by retreat.

incentive for any traveler to remain beyond the protection of the United States forces.

As early as September 25, 1847, action was taken by the United States forces to control the activities of Mexican Army officers. A special decree issued by General John Quitman, the Civil and Military Governor of Mexico City, directed that all Mexican officers in Mexico City would report to his headquarters for registration. Failure to do so would automatically classify them as spies against the United States.²⁴ Five days after the publication of the decree in El Monitor Republicano, over one hundred and fifty Mexican officers had reported for registration.²⁵ However, as late as January 11, 1848, it was necessary to publish a new decree which directed that all Mexican officers "active or retired" would present themselves to the United States headquarters; new arrivals must do so within twenty-four hours after reaching Mexico City. The new decree was justified on the basis of the "highly improper conduct of certain officers of the Mexican Army known to be in the city."²⁶ It was promised that failure

24. American Star, Mexico City, September 28, 1847. See also paragraph 2 of General Order 296, at Appendix 21.

25. Hitchcock, op. cit., p. 307. Thirty-three of the one hundred and fifty were Mexican general officers.

26. American Star, Mexico City, January 14, 1848.

to comply with this latest decree would be met with most rigorous punishment known to the laws of war.

In addition to the authority exercised over the circulation of the Mexican civil population and the control of Mexican officers, Scott also took action to control the activities of United States civilians in Mexico who were not members of the United States forces. He directed that anyone who claimed the protection of the American flag in Mexico was required to report to his headquarters and register for protection and superintendence.²⁷ This included all United States civilians who were not within the terms of the Articles of War or the rules and regulations of the United States Army. The American registration procedure was required to be repeated each month.

According to the laws of war with respect to the property of the Mexicans, the United States, as conqueror, had a two-fold right against the Mexicans: (1) the right to obtain possession of enemy property, to which could be added expenditures for obtaining it, the cost of war, and indemnity for damages; (2) the right to weaken the enemy and to take from him the means of resistance. From this two-fold source are derived all the rights which war gives

27. Ibid., October 23, 1847.

to the conqueror over the property of the enemy.²⁸

Soon after the capture of Vera Cruz, the United States forces placed controls upon Mexican public property. All persons, whether neutrals or natives, who had in their possession public property, such as arms, munitions of war, or tobacco obtained during the seige or since the occupation of Vera Cruz, were required to deliver this property to the custody of the United States Army.²⁹ The city officials of Mexico City were directed by United States decree on September 22, 1847, to "set aside a supply of public tobacco and cigars sufficient for two months consumption" to be distributed to the United States Army. In December 1847, with the great influx of American replacements arriving, the major public buildings in the centers of occupation were demanded and used as United States troop billets.

In addition to exercising authority over public property, Scott also took action to control the sale of ecclesiastical property. A United States decree issued November 23, 1847 directed that no sale of church property

28. Emmerich de Vattel, The Law of Nations, or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and Sovereigns, Vol. 3, translation of the edition of 1758 by Charles G. Fenwick (Washington: Carnegie Institute of Washington, 1916), p. 291. This book was a textbook at West Point and probably well known to Scott and many of his subordinate officers.

29. Executive Document 60, p. 933.

would be valid unless made with the consent of the United States forces. Any violations of this decree would result in the confiscation of the property by the United States forces.³⁰ The American Star subsequently reported that the church property decree was not well received in the interior of Mexico.³¹ Further, the Mexican Minister of Justice and Ecclesiastical Affairs objected strenuously to the decree.³²

If the seizure by United States forces of public property was immediate and decisive, the United States attitude toward appropriating city revenues in Mexico for the benefit of the United States Army was moderate and slow to evolve. On September 17, 1847 by General Order 287, Scott levied a "local contribution" of \$150,000 on the inhabitants of Mexico City for payment of the protection he was to furnish to Mexican churches, convents, and private property.³³ The money collected was to be used to purchase "extra comforts" for the American soldiers in Mexico. To assist the Mexicans to pay this assessment, General Quitman issued a decree on September 19, 1847 concerning the

30. American Star, Mexico City, November 24, 1847.

31. Ibid., December 5, 1847.

32. Ibid., December 10, 1847.

33. See paragraphs 16 and 17 of General Order 287 at Appendix 19.

collection of customs in Mexico City. He directed that the charge and direction of the custom house and "such officers as they shall deem necessary to be employed in it" be entrusted to Mexico City officials subject to orders to be received from the United States forces.³⁴ The municipal authorities of Mexico City and the district were allowed to retain all their usual sources of revenue. In addition, the internal duties which had previously been collected at the Custom House, city gates, and elsewhere were for the present surrendered to the Mexico City officials to be collected and disposed by them subject to such modifications and orders from the United States forces as might be deemed necessary.³⁵ The only control placed upon the Mexican officials was that semi-weekly reports of City treasury receipts and expenditures were required to be made to the United States military and civil governor.

While Scott was adopting a moderate, even lenient, view toward raising revenues in Mexico to meet the expenses of the occupation, President Polk was forming a different view. The persistence of the Mexicans in refusing to treat for peace, the uncivilized activity of the Mexican guerrillas, and the cost of the occupation in

34. American Star, Mexico City, September 20, 1847.

35. Decree of September 22, 1847 and printed in the American Star, Mexico City, September 23, 1847.

United States dollars were persuading President Polk that "those rights of exacting contribution from the enemy which are conferred on a belligerent by the acknowledged law of nations should be exercised."³⁶ The acknowledged law at the time was, according to the authority Vattel, that: "the conqueror takes possession of what belongs to the enemy in order to bring him to reasonable terms and to force him to accept peace on a just and permanent basis."³⁷

Nothing can be more disastrous to the interests of the inhabitants of an occupied territory than for their government to act as if the invader is there by sufferance and has no rights which they are bound to respect. Although the provisional government of Mexico at Querétaro was in no position to make such an assumption, it acted toward the United States government as if that country were a tolerated intruder. The result was that Mexico lost many additional lives through the continuation of the war, as well as much material wealth.

The War Department in a letter to Scott dated September 1, 1847 stated that the Mexicans, among other things, were finding a pecuniary benefit in the market resulting from sales to the United States forces. The Mexicans were not feeling the evils of war and must be made

36. Executive Document 60, p. 1005.

37. Vattel, op. cit., p. 291.

to do so. Because of the current Mexican attitude, ". . . every dictate of duty to ourselves requires that we shall not abstain from the exercise of our right of exaction from the enemy."³⁸ The War Department left to Scott the mode and extent of exercising this right but "hoped" he would implement the system to the "utmost practicable extent."³⁹ However unwilling the United States may have been to modify its humane policy towards Mexico which began at Vera Cruz, a change seemed to be required even by the considerations of humanity.⁴⁰ Scott was now required to take the best measures within the course of civilized warfare, to obtain among the Mexican people a disposition which would lead to a peace on fair and honorable terms.

Left to his own discretion as to mode and extent of levying contributions, Scott still felt that any resources raised in Mexico to meet the expenses of the occupation should be obtained,

. . . so as to interfere as little as possible with the existing interests of the foreign as well as the native inhabitants, for if any measure calculated to involve the ruin of part or the whole of said interests was taken there is little or no doubt that the results would be as

38. Executive Document 60, p. 1005.

39. Ibid., p. 1005.

40. Ibid., p. 1053.

injurious to the interests of the United States
as to those of the country. . . .⁴¹

In a separate letter issued from the National Palace to his army in Mexico Scott on November 19, 1847 first announced the change in United States occupation policy toward Mexico when he stated that circumstances had determined that the United States government must throw upon Mexico the burdens of further continuance of the war.⁴² In consequence, (1) all revenue collected from any source would be considered collected for the United States and expended only with United States authority and consent; (2) all troops would be quartered without expense to the United States and if necessary on private property; although suitable public buildings would be preferred, no rent would be paid in any case.

General Order 358, dated November 25, 1847, marked the official change in United States policy toward Mexico.⁴³ As a beginning for the change, Scott directed that payment of all rents by United States forces in Mexico cease. This was all the action that could be taken pending

41. Ibid., p. 1051. Vattel states that "if a general wishes to maintain a stainless reputation he must be moderate in his demands and proportion the contribution that he levies according to the ability of the people to pay." See Vattel, op. cit., p. 292.

42. American Star, Mexico City, November 23, 1847.

43. See copy of this general order at Appendix 24.

receipt of further instructions from the United States government regarding the duties to be fixed on Mexican exports.⁴⁴

While still awaiting instructions from home concerning duties to be levied, Scott issued General Order 362 dated December 2, 1847, which controlled the movement of gold and silver bullion in the occupied portion of Mexico.⁴⁵ The order also placed an export duty of five percentum on the value of bars and ingots already in port. A similar duty was placed on all gold and silver coins exported from seaports occupied by the United States forces.⁴⁶ Scott's reasoning on immediately stopping the export of bullion involved the theory that if the United States permitted the exportation of bars and ingots there would be but little domestic coinage in circulation in Mexico, the United States draughts would soon be under par, and the Mexicans, from the want of sufficient circulating money, would be less able to pay the contributions which the United States proposed to levy upon them through their civil authorities.⁴⁷

44. Executive Document 60, p. 1032. President Polk, in the meantime, had directed his Secretary of Treasury to determine the assessments to be levied.

45. See copy of this general order at Appendix 25.

46. Executive Document 60, p. 1046.

47. Ibid., pp. 1046, 1081, 1083.

Now that the control of precious metal was effected, Scott turned his attention to exercising his authority over the internal dues and taxes still in effect as a means of pressuring the Mexicans for peace. Scott did not plan to seize the ordinary state or city revenues because "no community can escape absolute anarchy without civil government and all government must have some revenue for its support."⁴⁸

As an approach to determining how much each Mexican state should be required to pay for the support of the United States occupation, Scott proposed to determine the net amount paid to the Mexican federal government by each state for the year 1843 or 1844 and to assess that total sum upon the state, to be paid to the United States forces at the rate of one-twelfth per month. On December 15, 1847 Scott issued General Order 376, which expressly prohibited the payment by the Mexican state of any taxes or dues to the provisional Mexican federal government.⁴⁹ The prohibition was limited to those areas occupied by the United States forces. The Mexican states were also invited by the order to bid upon the tobacco, playing cards, and stamped paper monopolies, with the highest bidder receiving the

48. Ibid., p. 1049.

49. A copy of this general order is at Appendix 27.

contract to provide these items to the Mexican nation.⁵⁰

It was not until December 31, 1847 that Scott was able to publish his General Order 395 (a supplemental order to General Order 376) which contained the dollar value to be assessed against each Mexican state already occupied and those states to be later occupied.⁵¹ The receipts of the post offices, together with the playing card and stamped paper monopolies, were also relinquished to the various state governments. The national lotteries were abolished and the cultivation and sale of tobacco was made free to all Mexicans. With the publication of this general order, the Mexican provisional government at Querétaro was deprived of critical income for governmental operations and war capability. Thus, direct pressure was finally brought to bear upon this group to force them to sue for peace.

Once the procedure for controlling the assets of the Mexicans had been established, it only remained for the United States forces to enforce these procedures by strict surveillance and by halting possible fraud on the part of the Mexicans. To this end, General Order 8, dated

50. Evidently few, if any, bids were received. This necessitated giving these responsibilities to the various Mexican states.

51. See copy of this general order at Appendix 28.

January 5, 1848, was issued by Scott which prescribed the method of shipping gold and silver bars from the mines to the nearest assay office and the procedure for collecting the necessary dues on production, smelting, assaying, and minting.⁵² A central office, or superintendent of direct and indirect assessments, was appointed by General Order 15, January 11, 1848 to collect levies for the support of the Army.⁵³ General Order 31, January 7, 1848, required that all persons in Mexico City, or in the federal district, must declare to the United States forces all gold or silver bullion in any form received by them.⁵⁴ Provisions were also made to register bullion deposited in assay offices without proper declaration. Finally, General Order 26, January 20, 1848 was issued which directed that Mexican merchants in the interior who were importing goods through the custom house at Vera Cruz should pay import duties in advance to any one of the United States paymasters located in Mexico City, Puebla, or Jalapa. Receipts of these payments entitled these Mexican merchants to advance credit at the Custom House in Vera Cruz and precluded default.⁵⁵

52. See copy of this general order at Appendix 30.

53. See copy of this general order at Appendix 31.

54. See copy of this general order at Appendix 33.

55. See copy of this general order at Appendix 32.

Now that the Mexican federal government was denied income for operation and continuance of the war from the several Mexican states, one additional action could be taken by Scott which would make the group completely ineffective. Such a step was taken by the United States forces on January 5, 1848. In a decree issued by the United States Military and Civil Governor of Mexico City it was directed that:

. . . no appointment by the government at Querétaro of any public officer . . . shall be recognized by existing Mexican authorities nor by persons. Individuals as well as authorities will be held strictly responsible that no person so appointed be considered or treated by them as having legal power without previous sanction of the American authorities.⁵⁶

The provisional Mexican federal government at Querétaro was now deprived of its income and means of continuing the war and also discredited in the eyes of its citizens by being limited in its authority. It appeared at this moment that the United States forces, in Vattel's terms, had achieved their objective of taking control of what belonged to the enemy in order to bring him to "reasonable terms."

The Mexican reaction to the change in United States occupational policy whereby the Mexicans would be made to feel the war was swift and took two forms, (1) rebellion by city and state governments, (2) acts of rebellion by individual Mexicans and groups.

56. American Star, Mexico City, January 5, 1848.

In early December, 1847 a new crisis developed which would test the ability of Scott to exercise authority over the Mexican nation. This new episode involved the recalcitrant ayuntamiento of Mexico City. The conflict between the officials of Mexico City and Scott was precipitated by the United States' sudden change in occupation policy and Scott's subsequent general orders directing that no more rent be paid to Mexican property owners for the use of their property.⁵⁷

On December 11, 1847, the United States civil and military governor of Mexico City sent an urgent request to the ayuntamiento of the city asking for additional public quarters to billet between two and three thousand American troops who were already in the city, and eight thousand additional American soldiers who were due to arrive shortly under General Butler. The ayuntamiento replied by recommending a list of convents (some occupied by nuns), museums, and the like. United States Army representatives inspected the buildings and described them as "cold and uncomfortable" (St. Augustine Convent), "unfit" (San Diego Convent), "too small" and "uninhabitable" (San Felipe Convent).⁵⁸ The United States forces professed astonishment that the ayuntamiento should offer such a list of buildings

57. See paragraph 2 of General Order 358 at Appendix 24.

58. American Star, Mexico City, December 11, 1847.

as being capable of accommodating comfortably the arriving troops.⁵⁹ Consequently, the American Army began to occupy, rent free, the private houses in the city. This action began a series of heated exchanges between the two contenders for authority. Finally, the ayuntamiento sent a letter of protest to the American military governor, at the same time sending a copy of the letter to El Monitor Republicano for publication.⁶⁰ This incensed the United States authorities, who demanded an apology, but the apology was not forthcoming.⁶¹ Consequently on December 24, 1847 it was decreed by the United States Civil and Military Governor that, ". . . the bad faith and improper conduct of the present Ayuntamiento having rendered them unfit agents to administer the affairs of their fellow citizens in the City of Mexico, their functions are hereby declared to be at an end from this moment. . . ."62

59. Ibid.

60. A copy of this letter is at Appendix 35. The letter was published in the American Star, Mexico City, December 29, 1847. The letter is significant because it contains an insight into what the Mexicans believed their rights to be.

61. A copy of the United States letter demanding an apology is at Appendix 36. This letter was published in the American Star, Mexico City, December 25, 1847.

62. American Star, Mexico City, December 25, 1847. See copy of this decree at Appendix 37. Since elections, according to Mexican law, had been held on the 1st and 3rd Sundays of December, 1847, Mexican electors had already been chosen. Consequently the immediate replacement of the ayuntamiento posed no problem to the United States forces. See also Appendix 38.

The American authorities then proceeded to recognize as the new ayuntamiento of the City of Mexico those persons selected according to Mexican law on the first and third Sundays of December, 1847. The Mexicans had tested Scott's authority and he had met the test.

The next threat to the occupation occurred in the unoccupied Mexican mining district of San Luis Potosí on January 12, 1848. A group in this area, long a hot bed of insurrection, were working in cooperation with the other Mexican states of Guanajuato, Zacatecas, and Durango; they planned to form a league, raise an army of thirty thousand Mexican troops, march upon Querétaro to overthrow the Mexican provisional government meeting there to debate the peace, and finally, to expel the American forces from the territory of Mexico. To this end a manifesto was issued on January 12, 1847 by the insurrectionists which informed all Mexicans that, ". . . the solemn moment has at last arrived for a general conflagration of the Republic . . . the states (insurrectionists) . . . refuse to acknowledge the rickety and contemptible government at Querétaro . . . the war will be sustained."⁶³ The planned conflagration did not occur. When the call to arms was sounded, so few Mexicans responded that the solemn moment was allowed to pass without an insurrection.

63. A copy of this manifesto was printed in the American Star, Mexico City, January 21, 1848.

Aside from the rebellion of the city and state governments just discussed, there was one other major threat which developed and caused Scott some concern. This threat was the Mexican underground, which appeared to be organized and led by former Mexican Army officers living in the City of Mexico. Scott's General Order 296, dated September 24, 1847, alerted his command to this danger.⁶⁴ However, American soldiers out at night, singly or in small groups, still fell victims to these conspirators. The American Star reported that busy street corners would be mysteriously posted with handbills printed in Spanish which encouraged "long life to the heroic Mexican people and death to the Yankees - death to the Napoleons of the South."⁶⁵ The subsequent United States decree which required all former Mexican officers in Mexico City to register or be "classified as spies" greatly reduced the effectiveness of the Mexican underground movement. However, individual Mexican acts of violence against American soldiers continued in the city.

From this point until the departure of the United States forces from Mexico, no other serious disturbance by

64. See copy of this general order at Appendix 22.

65. American Star, Mexico City, January 6, 1848.

the Mexican city or state governments or separate groups was to occur.⁶⁶ As mentioned, isolated individual Mexican acts of rebellion continued against the United States forces; however, these acts lacked the unity and organization which might have made them real threats to the occupying power.

The individual Mexican reaction to the "intruder from the north" took many forms. Crimes of violence - murder and robbery - were common. Groups of Mexicans dressed in American Army uniforms would rob and plunder, for which the United States forces were blamed.⁶⁷ Others would entice American soldiers into Mexican shops to drink and then murder them.⁶⁸

For those individual Mexicans of less violent nature, one way of injuring the American Army was to induce United States soldiers to desert with promise of land in California. Those Mexicans apprehended and convicted of this offense were sentenced by the United States military tribunals to the public whipping post. Another favorite pastime for the non-violent Mexican was counterfeiting. The

66. Mexican guerrillas operating throughout Mexico were a constant problem. They were not considered as a unified threat, rather they were isolated groups acting independent of any central authority.

67. American Star, Mexico City, October 27, 1847. Evidence also shows that "freebooting members of the U. S. Army" also participated in such forays.

68. American Star, Mexico City, September 20, 1847.

American Star commented that the counterfeit United States dollars in circulation were well executed and calculated to deceive anyone; "they are made of copper and washed over with silver."⁶⁹ A special decree from the United States Governor of Mexico City directed all United States personnel ". . . to examine and reject suspicious coin before leaving the store or place of its reception. When the money is once accepted and the receiver departs satisfied he will not be allowed to return a bad coin and demand a good one."⁷⁰ Another favorite non-violent method of causing distress among the American troops was the Mexican practice of circulating rumors. Rumors are virtually impossible to trace or to stop before their damage has been done; even the meekest Mexican patriot could spread rumors. In November, 1847 the rumor was circulated that President Polk was dead. This item first appeared in the El Independiente of San Luis Potosí and was quickly spread by other Mexican papers.⁷¹ Another rumor circulated in late November 1847 stated that there was a confidential understanding between Nicholas Trist, Polk's special

69. Ibid., February 16, 1847.

70. Ibid., December 25, 1847. This also tended to produce alertness on the part of the United States forces and largely prevented altercations between the United States forces and the Mexican vendors.

71. American Star, Mexico City, November 27, 1847.

representative in Mexico, and Santa Anna to "bamboozle Scott." Mr. Trist had great authority; he rode about in his coach of state and condescended occasionally to visit Scott.⁷² Another rumor calculated to distress American Protestants in the Army recounted a recent visit by the Mexican Catholic Archbishop to Scott's quarters in order to baptize Scott into the Mexican Catholic faith.⁷³ On many occasions Scott was referred to as "Tiger Scott" by the Mexican newspapers and called oppressive because he ruthlessly evicted nuns from their quarters to provide for troop billets; Scott was accused of not wanting peace and of oppressing Mexican proprietors for their influence upon peace.

In the midst of this anti-American activity, there were certain indications that the American policy of military government was also generating a pro-American feeling among the Mexican people. The intelligent and cultivated part of Mexican society were cooperative, and associated with the Americans.⁷⁴ It was not uncommon to see General Scott plumed and in full dress uniform visiting with the families of Mexican officials and higher members of the

72. Ibid., November 21, 1847.

73. Ibid., November 7, 1847.

74. See paragraph 1 of General Order 296 at Appendix 22.

Mexican clergy.⁷⁵ Another indication was the success which attended various social events sponsored by the United States forces. Mexican theatrical groups employed in American theaters played before full houses of mixed patrons. Benefits were held to express the thanks of the United States forces for Mexican service in the theaters. A Mexican-American Philanthropic Society was organized for the advancement of Mexican commerce, agriculture, and welfare of the people. This society also interceded in behalf of condemned criminals and in some instances succeeded in obtaining their pardon. On December 1, 1847 a call was published in the American Star to all American officers, Mexican citizens, foreigners, and others so disposed to meet for the purpose of planning the contemplated railroad between the City of Mexico and Vera Cruz. "The spirit of international improvement hitherto unknown in this country (Mexico) will be called forth."⁷⁶

This, then, was the United States military government in operation in Mexico. Scott had very early established the responsibilities he would assume toward the Mexican people. He also made it clear that certain authority would be exercised over the Mexican nation in order to

75. American Star, Mexico City, November 6, 1847.

76. Ibid., December 1, 1847.

achieve the occupational objectives of the United States government. To this authority there was varied Mexican reaction - state and city government rebellion, threats from separate underground groups, disjointed acts of individual Mexicans. On the credit side, the United States forces made inroads with the intelligent and cultivated portion of Mexican society, and there is evidence that there was a genuine American interest in improving the Mexican nation. The Mexican historian Ramon Alcaraz, however, paints a picture of the rich Mexican families, secluded in their homes, looking on the occupation with indifference; avaricious Mexican merchants speculating, and middle class merchants reduced to asking alms; selfish Mexican office holders deserting their offices, believing the conquest to be complete and final; and the populace, heroic from the beginning, continuing to work their vengeance upon the Americans.⁷⁷

77. Alcaraz, op. cit., p. 418.

CHAPTER IV

THE LEGACY OF THE MEXICAN OCCUPATION: THE ENDURING PRINCIPLES WHICH WERE DEVELOPED

It has been shown that in Mexico the character of the military government established over the Mexicans depended upon the attitudes of the United States and the military orders of General Scott. Since belligerent occupation is a forceful seizure and maintenance of firm possession of enemy property, the subsequent imposition of military government in Mexico was, therefore, an act of war in itself; it was, in fact, the continuation of the war without the use of unnecessary force; it was a mode of retaining a conquest, of exercising supervision over a hostile population, and of controlling non-combatants so as to prevent them from insurrection or giving aid and comfort to their former government and to remnants of the Mexican Army.

From the viewpoint of the United States force in Mexico, three tasks were paramount. The United States force had to: (1) control the country; (2) avoid becoming so deeply involved in Mexican affairs as to prejudice the resumption of a shooting war; (3) restore ordinary civilian

activities as soon as possible. The third task furnished the primary reason for instituting military government. The United States force in Mexico was capable of isolating itself from Mexican affairs and protecting itself from a disorganized Mexican Army, but the American force could not have performed efficiently in an emergency in the midst of the confusion and anarchy which would have resulted from the sudden abolition of all civil regulation among the Mexican people.

The United States had seized control of the country by force of arms and this seizure imposed the obligation to restore and subsequently control the normal activities of the country. The Mexicans still had to live together; they had to live in the same villages, towns, and cities; they had to feed and clothe themselves; they had to raise produce and manufacture various items for trade. The existence of a state of war does not loosen the bonds of society;

. . . or do away with civic government or the regular administration of the laws. Order must be preserved, police regulations maintained, crime prosecuted, property protected, contracts enforced, marriages celebrated, estates settled and the transfer and descent of property regulated precisely as in time of peace.¹

1. United States Supreme Court Cases Argued and Judged, Horn vs. Lockhart, reported by John William Wallace, Vol. 17 (Washington, D. C.: William H. Morrison, 1875), pp. 570, 580.

The occupation of Mexico was not an end in itself. It was not accomplished by installing a military garrison in Vera Cruz, Jalapa, and other cities along the National road to Mexico City. Badly handled, the occupation of Mexico could have been a grave military liability. However, since it was handled intelligently, with all its political, economic, and administrative aspects largely integrated, it figured immeasurably in terminating the war and gaining a satisfactory peace.

The laws of war implemented by the United States during the occupation were practical and based upon the military needs of Scott's troops. No man believed more firmly than General Scott in providing for the welfare and security of his forces. He had a right to subject all Mexicans, both as to person and property, to such rules as he found necessary to attain the objectives of war. Until this end was attained, Scott had a lawful right to use every proper means for its accomplishment.

As to what is lawful in war, Cicero ascribes the idea of what is right to nature and of what is lawful to the laws, ". . . you should consider what is right to do, not how far it is lawful for you to go, for if you are only looking for what is lawful you can banish from the state

whomever you choose. . . . There are things that are not right even though lawful."²

Scott weighed his military requirements against their human costs. Faced with a choice between a siege or an assault upon Vera Cruz he decided, in opposition to his generals, that a siege, although requiring more time to accomplish, would be equally successful. The time gained by a rapid invasion assault would not justify the "butcher's bill" (to use Scott's phrase) of casualties among both American and Mexican military personnel as well as among the Mexican civilian population of the city.³ Despite his adherence to the precept of "military necessity," for Scott there was another rule more in consonance with his time and his own predilections. This was the rule of military necessity tempered with humanity. Warfare did not need to be savage. Rather, it was better for Scott that it be politically efficient and that it achieve justice in international relations. For Scott, military decisions could, if necessary, be avoided or postponed if

2. Quoted by Hugo Grotius, The Law of War and Peace (De Jure Belli ac Pacis), translated by Louise R. Loomis (New York: Walter J. Black, 1949), p. 295.

3. "The enemy who wishes to show respect not for what human laws permit him to do, but for what is his duty and what is right and godly will spare the blood of his adversary." Grotius, op. cit., p. 353. Also, United States House of Representatives, 30th Cong., 1st Sess., Executive Document 8 (Washington, D. C., 1848), pp. 219, 227, 228-229.

his ultimate victory would merit the good opinion of mankind. Grotius had extolled moderation in war and during occupation of enemy territory.⁴

The American tradition of waging war against enemy governments and not against people was given concrete meaning in Mexico in April, 1847. With the issuance of Scott's famous proclamation to the "good people of Mexico" (Appendix 6), the required restraint was placed upon the conduct of United States military men vis-à-vis the Mexican non-combatants. In centuries past, such restraint had been largely unknown in practice, although its possibility had been admitted and hoped for by thinkers. The ancient maxim "the will of the conqueror is the law of the conquered" lost its emphasis in the Mexican War. Military government in Mexico was tempered by the dictates of fairness and humanity and was kept within the bounds of military necessity; the civil rights of the Mexican inhabitants were interfered with as little as possible, and the Mexican laws were followed and enforced within the occupied areas unless they interfered with United States military operations.⁵

4. Grotius, op. cit., Book 3, Chapters XI-XVI.

5. Even though such a policy was pursued in Mexico, one must always keep in mind that if sterner measures had been required, the ancient maxim was still the yardstick by which the power of the belligerent was "ultimately measured."

Scott, although a professional soldier, found his "spirit" of military government not in the military practice accepted by the existing society of nations but in the society of men, in the loftiest human thought transmitted through historical ages from the Greek and Roman moral philosophers.⁶ Scott's spirit of military government recognized two criteria of what was lawful in war. One was the exterior standard of contemporary legal sanction,⁷ and the other the inner standard of conscience. Only that was fully lawful which was in conformity with man's conscience, as well as with the laws.

This same dualism between law and morals is found in Vattel, author of the West Point textbook on international law in use in Scott's day;⁸ it is reasonable to suppose that Vattel's views may have influenced Scott. For Scott, the important task was to reduce violence to the

6. To verify this assertion, one should read carefully Scott's two proclamations appended.

7. This is evident in Scott's Martial Law Order No. 20. See also Scott's basis for arriving at punishment for crimes committed. United States House of Representatives, 30th Cong., 1st Sess., Executive Document No. 60, pp. 1263-1264, hereinafter referred to as Executive Document 60.

8. Emmerick de Vattel, The Law of Nations, or Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and Sovereigns, Vol. III, translation of edition of 1758 by Charles G. Fenwick (Washington, D. C.: Carnegie Institute of Washington, 1916).

lowest possible level in the relations between American soldiers and the Mexican people. His mixture of morals, law, and religion specifically designed for this purpose was probably as effective an influence upon his army and the Mexicans as anything that could have been produced in the United States through extended scholarship and philosophical effort.

By the laws of war an invaded country may have all its laws and institutions eliminated.⁹ The United States Supreme Court has stated the situation concisely:

The conquering power has a right to displace the pre-existing authority and to assume to such extent as it may deem proper, the exercise by itself of all the powers and functions of government. It may appoint all the necessary officers and clothe them with designated powers, larger or smaller, according to its pleasure. It may prescribe the revenues to be paid and apply them to its own use or otherwise. It may do anything necessary to strengthen itself and weaken the enemy. There is no limit to the powers that may be exerted in such cases save those which are found in the laws and usages of war.¹⁰

The principles of justice, common sense, and moderation employed by Scott in Mexico permitted the

9. Thomas Hart Benton, Thirty Years View: a History of the Working of the American Government for Thirty Years 1820-1850, Vol. III (New York: D. Appleton and Company, 1893), p. 678.

10. United States Supreme Court Cases Argued and Judged, 1873-1874, New Orleans vs. Steamship Company, reported by John William Wallace (Washington, D. C.: William H. Morrison, 1875), p. 394. This decision by the Supreme Court of the United States, twenty-seven years after the occupation of Mexico, is in effect a concise statement of Scott's actions in Mexico.

Mexicans to retain their laws, customs, and municipal officials. "Moderation in victory is to leave to the vanquished the governing power they had."¹¹ Scott instituted a type of control over the Mexicans that can best be described as a combination of civil and proprietary rule; that is, certain restrictions on the activities of the Mexicans were combined with their existing personal liberty. According to Grotius, ". . . if a conqueror leaves to a defeated people the right to remain a state, he may still appropriate for himself certain things which before belonged to the state. It is for him to choose what he wishes the measure of his benevolence to be. . . ." ¹²

Scott permitted the Mexicans to retain their laws, institutions, and municipal officials in the "interests of continuity." Such continuity in social and economic life is of immense value to both the conqueror and the vanquished. Scott's military government based upon continuity enabled him more easily to protect and administer his own forces and more completely to reach the resources of the country. The conqueror's hand upon the resources of the country is admittedly a threat, designed to force a negotiation.¹³ Nevertheless, it was of immense advantage to the

11. Grotius, op. cit., p. 376.

12. Ibid., p. 331.

13. Karl von Clausewitz, On War, translated from the German by O. J. Matthijs Jolles (New York: The Modern Library, 1943), pp. 594-595.

Mexican citizens, both during and after the occupation, to have affairs of municipalities undisturbed and to have their continued existence and functioning recognized. The imposition of military government and its subsequent removal were both made less disturbing to the Mexican community.

The ancient rule of war, if implemented in Mexico, would have authorized pillage and the enslavement of all enemies and the taking of their property. In contrast, Scott spared non-combatants, and did not levy upon all enemy property, both public and private, but only demanded such support as his army required. Scott realized that pillage would be terribly costly, not only to the Mexicans but to his own army as well, ". . . pillage always follows, and seems authorized by the usages of war. Hence I promised (September 13) at the gates of Mexico, a contribution in lieu of pillage, in order to avoid the horrors in question, and the consequent loss of discipline and efficiency."¹⁴ Those upon whom contributions are levied are not the fighting soldiers of the enemy army. They are, as a rule, non-combatants, peaceable citizens whom the demands of war have already financially exhausted. Paying the contributions requires a sacrifice on their part at a time when they are least able to bear it. To demand excessive

14. Winfield Scott, Memoirs of Lieutenant General Scott (New York: Sheldon and Company, 1864), p. 498. See also paragraph 16, General Order 287, Appendix 19.

contributions¹⁵ or to collect them with undue harshness¹⁶ is unnecessary oppression. Vattel stated on contributions that, ". . . an excess at this point does not escape the reproach of cruelty and inhumanity; although there is not so great an appearance of ferocity in it as in ravage and destruction, it displays a greater degree of avarice or greediness."¹⁷

Scott's moderation in the midst of war gave an appearance of great confidence in victory.¹⁸ His humanitarian approach required that the United States forces leave to those who were guiltless of war their material possessions.

A feature of his considerate policy was not to take away from the Mexicans their right to practice their ancestral religion, but to encourage this practice and to promise United States protection for their churches.¹⁹ Such clemency is apt of itself to break down determination

15. Executive Document No. 60, p. 1051.

16. Ibid., p. 1071.

17. Vattel, op. cit., p. 165; Grotius, op. cit., p. 346.

18. See paragraph 16, Scott's proclamation to the Mexican nation, Appendix 12.

19. This was promised by Scott to the Mexicans in spite of anti-Catholic agitation in the United States.

and win over the enemy's heart.²⁰ The protection of United States arms was also extended to personal property and to the right of Mexican vendors to sell their products to the United States forces.²¹

Much has been said in previous chapters concerning General Scott's conduct of civil affairs in Mexico. The interaction between civil affairs and military strategy is seen in the process of civilian supply to Scott's army, the restoration of law and order, and the levying of assessments. The function of civil affairs in Mexico was to assist in every way possible the successful completion of the military mission. By providing for the vital needs of the conquered Mexican people, offering protection of United States arms,

20. Such was the case in Puebla. When the exhausted United States troops marched into this city they stacked their weapons in the Plaza "while more than ten thousand Mexicans watched." According to one Mexican historian "if this multitude had pressed in upon the enemy, they would inevitably have perished." Ramon Alcaraz, The Other Side, or Notes for the History of the War Between Mexico and the United States, translated from the Spanish and edited by Albert C. Ramsey (New York: John Wiley, 1850), pp. 228-229.

21. See Scott's proclamation to the Mexican people, Appendix 6. According to Grotius, (op. cit., p. 379), Cyrus the Great bade the vanquished Assyrians be of good heart, for their lot would be the same as it would have been with only a change of kings. Their houses, their lands, their rights over their wives and children would remain the same as they had been before. If anyone did them a wrong, he, Cyrus himself, and his troops would be their avengers.

providing a ready market for Mexican products, and protecting individual liberties, Scott also solved concurrently much of the problem of "military necessity." The Mexicans were treated with leniency and in such a way that their interests were linked to those of the conqueror.²²

Since the United States had prevented, by the act of occupation, the legitimate Mexican government from exercising its authority, the United States had now to administer the occupied area, not only in the interest of its own military advantage, but also, so far as possible, for the benefit of its inhabitants. It was in this dual role, skillfully integrated, that Scott was able to strike a happy balance between war objectives of the United States and the humane and logical necessity of replacing the Mexican government. That Scott was able to do this was in large part due to the fact that he respected the customs and traditions of the civilian population. There was everything to be gained by respecting the prevailing folkways which were not demonstrably at odds with military necessity. Disregarding or flaunting dearly held customs would have prompted hostility and, perhaps, open resistance by the civil populace. Scott found it not only more

22. Scott developed a strong identification with the Mexicans in his two proclamations. See Appendix 6 and 12 respectively.

practicable but far more effective in the carrying out of his mission to pursue a policy of non-interference with the customary behavior of the Mexican population.

The way of life of the people was not disrupted any more than was necessary for operational reasons. Scott was particularly careful of Mexican religious sensitivities.²³

The establishment of workable relationships with the Mexican community was to a large extent dependent upon the ability to deal harmoniously and sympathetically with the people.²⁴ This faculty is desirable in the conduct of military affairs and indispensable in the conduct of civil affairs.

Scott enhanced his effectiveness and his ability to perform his mission by acquiring the broadest possible knowledge of the people with whom he had to deal - their attitudes, politics, and problems.²⁵ He had a keen awareness of important and sensitive areas within the Mexican

23. See paragraphs 1, 2, 3 of General Order 297, Appendix 22, for an example of this consideration.

24. Scott had displayed these same traits in dealing with the Cherokee Indians in 1838. There are many similarities between his address to the Cherokee Nation and his proclamation to the Mexican people. See Volume 1 of Scott's Memirs, pp. 320-325 for a copy of his address to his troops and to the Cherokee Nation.

25. Scott admitted to Secretary Marcy that church officials and other Mexicans helped him draft his first proclamation. See Executive Document 60, p. 964. This was a good way for Scott to become aware of Mexican problems and attitudes.

social structure. He was familiar with the general pattern of the economy, so that no unwitting interferences occurred.²⁶

Scott, a hundred years ahead of his time, understood the value of good public relations in an effective civil affairs program. A part of each issue of the American Star newspaper was printed in Spanish and in that language the viewpoint of the United States was presented to the Mexican nation.²⁷

Scott's full grasp of principles and techniques made the civil affairs program in Mexico a success. The smoothly functioning civil affairs program resulted in Mexican understanding, acceptance, and appreciation of the military role. Thus a basis was created for generally harmonious relationships between American soldiers and Mexican citizens, and for an occupation that accomplished its objectives in a generally orderly way.²⁸ Washington officialdom, however, often viewed Scott's somewhat novel

26. Scott studied the Mexican economic structure meticulously before he published his order demanding assessments to help pay occupation expenses. See Executive Document 60, pp. 1046, 1051 and General Order 395, Appendix 28.

27. The Spanish section of the English paper was called Estrella Americana.

28. The attitude of the United States soldiers was that of kindness on the whole. It is true that outrages in General Taylor's area in the north were numerous prior to the arrival of Scott, but, as has been shown, Scott's various orders, rigidly enforced, had a most beneficial effect.

policies with misgivings. On several occasions Scott and his civilian superiors in Washington were at odds on how the United States occupation policy in Mexico should be implemented.

The military commander is accustomed to dealing with a superior who is his peer in professional matters. This superior is expected to be knowledgeable and to have the experience to understand military problems and arrive at their solutions. This is the exercise of military command. However, in the Mexican operation civilian authority had moved into areas usually the preserve of professional military judgment.²⁹ Civilian administrators generally are not trained in the military disciplines of analysis and decision making. To them a decision may be merely a judgment of what seems best at a given moment. In military practice a decision is "something to be executed," upon which may well hinge the success or failure of the entire mission. The civilian administration outside the military chain of command is in another world of values and relationships which must be clearly understood if harmony is to exist.

29. President Polk went so far as to have his Secretary of Treasury determine the assessment to be levied upon the Mexicans. See Executive Document 8, p. 533. Both Scott in Mexico City and Commodore William Shubrick of the United States Navy in Mazatlan on the Pacific Coast changed Polk's assessment to meet the current situation. See Executive Document 60, pp. 1081, 1083.

In Mexico this harmony did not prevail.³⁰ In working with the Polk administration and specifically the Secretary of War, William Marcy, General Scott presumed that the President and his cabinet did not have the complete comprehension of the professional military problems in Mexico. Scott ("Old Fuss and Feathers") further presumed that he had to enlarge their comprehension before adequate judgments and sound decisions could be reached. Judging from his correspondence with Washington, he proceeded to do this by giving honest and uninhibited advice, as required by law, and also by giving his straightforward and often unflattering opinions of advice received by him from Washington. Furthermore, he took the responsibility on more than one occasion of changing policies enunciated by Polk's administration.

Any military action, either active or passive in war or in peace, must stem from the political aim of the government. It was at this point that Scott's problems with the Polk administration began, because Scott was not sure what the political goals of the United States government were in Mexico.³¹ Although in the United States the military is a subordinate arm of government, politicians and soldiers are interacting agents in the conduct of

30. Scott was always stating in effect that he had enemies both to his "front and rear."

31. Executive Document 60, pp. 1218-1227.

affairs of state; political factors impinge themselves upon military judgment, and military judgment has its effect upon the political decisions of the day.

For Scott, the combination of politics and personalities interwoven with military affairs, together with the slow and uncertain communications of the time, ended in his relief from command in Mexico, by instructions from the President,³² but not before he had an opportunity to demonstrate to the world that "military necessity tempered with humanity" was the key to successful occupation and subsequent military government of a conquered nation.

Experience in military government in the United States Army prior to the outbreak of the Civil War was relatively brief and limited. It had been obtained most significantly in Mexico under General Scott.³³ Until well into the Civil War, there existed no basic directive from the War Department to guide United States armies in the field with respect to conquered territory. The government prosecuted the Civil War with an olive branch in one hand and a sword in the other. This left the northern commanders uncertain as to the extent of their military

32. See copy of this general order at Appendix 34.

33. This was the opinion of the United States Army Civil Affairs School, Fort Gordon, Georgia, and a statement to this effect is contained in their School Manual ST 41-170, July, 1960.

powers in the South.³⁴ Each commander formulated his own general orders for his own area, usually embodying therein the definitive policies that had been periodically received from his superiors.³⁵

In 1863, the War Department issued, for the guidance of the northern armies, General Orders No. 100, entitled "Instructions for the Government of Armies of the United States in the Field."³⁶ This directive, known also as the "Lieber Code", constituted the first complete and systematic written presentation of the rules of land warfare and the modern law of belligerent occupation.³⁷ The code

34. General Grant wrote from Memphis soon after its capture that "I am without instructions and I am a little in doubt as to my authority." Quoted by William E. Birkhimer, Military Government and Martial Law (Washington, D. C.: James J. Chapman, 1892), p. 101.

35. When General McClellan reached the vicinity of Yorktown, Virginia, in 1862, he issued orders for the regulation of members of his army and the non-combatants in their relations with his army. He took as his model General Scott's General Order No. 20. See Birkhimer, op. cit., p. 99.

36. An authentic text of this order is found in United States War Department, Laws of Land Warfare, Judge Advocate General School, Text No. 7, 1943; p. 155 et seq.

37. The author was Dr. Francis Lieber, a political science professor at Columbia University. He wrote the Code at the request of President Lincoln, because a large number of untrained Union forces needed a manual to guide them. He was assisted by a board of military officers. It was the first attempt by any country to reduce the new ideals for the conduct of warfare into a systematic code. United States Army Civil Affairs School, Fort Gordon, Georgia, Lesson Plan 3102/1, July, 1960.

embodied the fundamental rules by which commanders of armies, departments, and districts were to be guided in their treatment of inhabitants subjected to military government. Illustrative of the tenor of the Lieber Code, and also reminiscent of Scott's principles of sixteen years earlier, is the following:

As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity - virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.³⁸

The Lieber Code of April 24, 1863, also directed in true Scott fashion that the armies in the field would protect religion and morality . . . private property and the persons of inhabitants.³⁹ All civil law would continue to take its usual course in the occupied area unless interrupted or stopped by the occupying power.⁴⁰ The victorious army had the right to tax and to levy forced loans and to appropriate property for military use.⁴¹ Military necessity consisted in taking those measures which were indispensable for securing the ends of war, and which

38. Laws of Land Warfare, op. cit., paragraph 4, Section 1.

39. Ibid., Section 2, paragraph 7.

40. Ibid., Section 1, paragraph 6.

41. Ibid.

were in accordance with modern law and usages of war.⁴² Military necessity did admit of harshness, when necessary.⁴³ When in great straits a commander was permitted to direct his troops to give no quarter,⁴⁴ particularly when it was discovered that his army received none from the enemy.⁴⁵ Numerous other examples might be cited in which the Lieber Code and the mode of Scott's operations in Mexico coincide in intent and particulars.⁴⁶ The northern army operating in the conquered areas of the South was following an occupation pattern established almost two decades earlier in Mexico by General Winfield Scott.

From the time of its publication in 1863 until 1914 when the War Department issued the Rules of Land Warfare, the Lieber Code, written in the spirit of Scott's occupation principles, served continuously as a guide to United States field commanders in the conduct of war. The code was the foundation for the modern manual used by the War Department, and was the basis for rules established by the Hague Regulations of 1899.

42. Ibid., Section 1, paragraph 14.

43. Ibid., paragraph 16.

44. Ibid., Section 3, paragraph 13.

45. Ibid., paragraph 15. It is a matter of record that the Mexican guerrillas gave no quarter.

46. Other areas are the treatment of prisoners of war, parole, safe conduct and armistice procedure.

The main method used to advance the cause of humanity in war has been the international convention attended by delegates from a large number of states.⁴⁷ However, these international attempts at codification did not directly influence the United States administration of areas it occupied during the Spanish-American War. For legal guidance of the United States Army during occupation of the Spanish possessions, the Lieber Code was republished without change.⁴⁸

In 1907 delegates of practically all nations of the civilized world would meet again at the Hague for the purpose of revising the existing law and usages of land warfare. The United States, now firmly established in the company of world powers, was instrumental in calling this conference,⁴⁹ and American influence was felt at the international table. Thus the spirit of Scott in Mexico as set forth in the "Lieber Code" left the confines of the United States and entered upon the international scene.

47. The Declaration of Paris in 1863 was the first impetus. This was followed by the St. Petersburg Convention of 1866, the Brussels Conference of 1874, the Hague Conventions of 1899 and 1907, and finally the Geneva Conventions of 1929 and 1949.

48. United States Army Civil Affairs School, Lesson Plan 3102/1, op. cit.

49. This was initially called at the suggestion of President Theodore Roosevelt (October 21, 1904) but was postponed until 1907 because of the war in the Far East.

The language of Scott's orders in Mexico and in the Lieber Code is again echoed in the 1907 Hague Convention, especially in the section dealing with "military authority over the territory of the hostile state."⁵⁰ It is in this section that such reminiscent phrases appear as "insuring public order and safety;" "respecting laws and customs;" "protecting private property;" "forbidding pillage;" "levying contributions;" "confiscating public property;" "protecting religious convictions and practices;" "respecting family honor and rights."

In organization as well as in principle and practice, General Scott in Mexico in 1847-1848 went far towards establishing the basic form of United States military government which prevails today.⁵¹ In providing for public health and safety and for economic order, he exercised all of the essential functions of military government as these are known at present, in a form suitable for his own time and place.

Scott's turnover of command to Major General Butler on February 18, 1848, was without incident. There

50. Department of the Army Pamphlet 27-1, Treaties Governing Land Warfare, Washington, December 1956, Section 111, p. 15.

51. The only weakness that can be noted was that in certain areas, i.e., Jalapa, Perote, Vera Cruz, the United States Civil and Military Governors changed frequently with the continuous arrival of senior officers in the area. (See General Order 142, Appendix 10). At times even Scott did not know who his commanders were in those areas.

were no disturbances when the American troops subsequently evacuated the Mexican capital. The new government under President Herrera was able to enter office and assume its duties under the most favorable circumstances.

General Scott's occupation was a success by any standard. His country's political and military objectives were achieved. The enemy was placated; in the words of a Mexican historian:

Regrettable, very regrettable it is to confess as much, but it is a certain fact that after the Mexican commander and his troops left this port (Mazatlan) order, morality, public security, and all that constitutes the true liberty of peoples were re-established; only some slight faults, no outrages were committed and the Americans behaved like gentlemen.⁵²

Scott's often fussy, and even pompous, preoccupation with law and order and fairness to the enemy compelled some Mexicans to wish that United States control could have continued. According to Scott, "a committee of prominent Mexicans" offered him a large sum of money to remain in Mexico and organize a government with a view to ultimate annexation to the United States.⁵³ One of Scott's officers, Ulysses S. Grant, claimed that "the Mexicans

52. Francisco Javier, Invasion Norte Americano en Sinaola, 2nd ed., Mexico, 1891, p. 152.

53. See Scott's Memoirs, op. cit., Vol. II, pp. 581-582.

regretted our leaving as much as they regretted our coming."⁵⁴

54. Ulysses S. Grant, Personal Memoirs of U. S. Grant, Vol. I (New York: Webster and Company, 1885-86), p. 118.

APPENDIX 1

HEADQUARTERS OF THE ARMY
TAMPICO, February 19, 1847

GENERAL ORDERS

No. 20.

1. It may well be apprehended that many grave offenses not provided for in the act of Congress "establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, may be again committed—by, or upon, individuals of those armies, in Mexico, pending the existing war between the two Republics. Allusion is here made to atrocities, any one of which, if committed within the United States or their organized territories, would, of course, be tried and severely punished by the ordinary or civil courts of the land.

2. Assassination; murder; malicious stabbing or maiming; rape; malicious assault and battery; robbery; theft; the wanton desecration of churches, cemeteries or other religious edifices and fixtures, and the destruction, except by order of a superior officer, of public or private property are such offenses.

3. The good of the service, the honor of the United States and the interests of humanity, imperiously demand that every crime, enumerated above, should be severely punished.

4. But the written code, as above, commonly called the rules and articles of war, provides for the punishment of not one of those crimes, even when committed by individuals of the army upon the persons or property of other individuals of the same, except in the very restricted case in the 9th of those articles; nor for like outrages, committed by the same individuals, upon the persons or property of a hostile country, except very partially, in the 51st, 52nd, and 55th articles; and the same code is absolutely silent as to all injuries which may be inflicted upon individuals of the army, or their property, against the laws of war, by individuals of a hostile country.

5. It is evident that the 99th articles, independent of any reference to the restriction in the 87th, is wholly nugatory in reaching any one of those high crimes.

6. For all the offences, therefore, enumerated in the second paragraph above, which may be committed abroad--in, by, or upon the army, a supplemental code is absolutely needed.

7. That underwritten code in Martial Law, as an addition to the written military code, prescribed by Congress in the rules and articles of war, and which unwritten code, all armies, in hostile countries, are forced to adopt--not only for their own safety, but for the protection of the unoffending inhabitants and their property, about the theatres of military operations, against injuries contrary to the laws of war.

8. From the same supreme necessity, martial law is hereby declared, as a supplemental code in, and about, all camps, posts and hospitals which may be occupied by any part of the forces of the United States, in Mexico, and in, and about all columns, escorts, convoys, guards and detachments, of the said forces, while engaged in prosecuting the existing war in, and against the said republic.

9. Accordingly, every crime, enumerated in paragraph No. 2, above whether committed--1. By any inhabitant of Mexico, sojourner or traveller therein, upon the person or property of any individual of the United States' forces, retainer or follower of the same; 2. By any individual of the said forces, retainer or follower of the same, upon the person or property of any inhabitant of Mexico, sojourner or traveller therein, or 3. By any individual of the said forces, retainer or follower of the same, upon the person or property of any other individual of the said forces, retainer or follower of the same--shall be duly tried and punished under the said supplemental code.

10. For this purpose it is ordered, that all offenders, in the matters aforesaid, shall be promptly seized and confined, and reported, for trial, before

Military Commissions to be duly appointed as follows:

11. Every military commission, under this order will be appointed, governed and limited, as prescribed by the 65th, 66th, 67th and 97th, of the said rules and articles of war, and the proceedings of such commissions will be duly recorded, in writing, reviewed, revised, disapproved or approved, and the sentences executed--all, as in the cases of the proceedings and sentences of courts-martial; provided, that no military commission shall try any case clearly cognizable by any court-martial, and provided also that no sentence of a military commission shall be put in execution against any individual, whatsoever, which may not be, according to the nature and degree of the offense, as established by evidence, in conformity with known punishments, in like cases, in some one of the States of the United States of America.

12. This order will be read at the head of every company of the United States' forces, serving in Mexico, or about to enter on that theatre of war.

By command of Maj. Gen. Scott:

(Signed) H. L. SCOTT,
A.A.A.G.

APPENDIX 2

GENERAL ORDERS

HEADQUARTERS OF THE CAMP
CAMP WASHINGTON BEFORE VERA CRUZ
MARCH 28th 1847

No. 75.

As soon as the City of Vera Cruz shall be garrisoned by his brigade, Brigr. Genl. Worth will become the temporary Governor of the same.

Without disturbing the ordinary function of the Civil Magistracy, as between Mexicans & Mexicans, he will establish strict Police regulations for securing good order & morals in the said City.

He will also establish a temporary & moderate tariff of duties, subject to the approval of the Genl. in Chief & Commodore Perry commanding U. S. Home Squadron, on all articles imported by Sea from the countries other than the United States, the proceeds of said Tariff to be applied to the benefit of the Sick & Wounded of the Army, the Squadron & the indigent inhabitants of Vera Cruz.

The tariff so to be established, will be continued until the instructions of the government at home, shall be made known in the Case.

By Command of Maj. Genl. Scott:

(Signed) H. L. SCOTT
A.A.A.G.

APPENDIX 3

GENERAL ORDERS

HEADQUARTERS OF THE ARMY
VERA CRUZ, April 11, 1847

No. 87.

Notwithstanding the strong provisions of printed General Orders, No. 20, proclaiming martial law, many undoubted atrocities have been committed in this neighborhood, by a few worthless soldiers--both regulars and volunteers--which though stamping dishonor upon the whole army, remain unpunished because the criminals have not been seized and reported by eye witnesses of the atrocities.

It must be evident to all who honor their country or respect themselves, that law and order cannot be maintained, in the army, unless every good soldier shall give his personal aid to authority. This was invited and expected under that printed order; but cruel have been the disappointments of the General-in-Chief and all the good officers and soldiers of this army.

One more appeal is made to the ninety-seven honorable men, against, perhaps, the three miscreants in every hundred. Certainly, the great mass ought not to allow themselves to be dishonored by a handful of scoundrels, who scout all religion, morals, law and decency. Therefore, let every bad man be denounced in his act of guilt, seized, and reported for trial, and this army will march in triumph, and be everywhere kindly received and supplied with necessities and comforts by the peaceable and unoffending inhabitants of the country.

As one preventive to outrages--and all officers will seek to apply others--no man will be allowed to stray from his camp or post, in future, without a written permission, and no such permission will be given to any soldier not known to be sober and orderly in his conduct. This restriction upon the good is the first evil brought upon them by undetected criminals.

All killing of cattle, even for food, and all seizing upon poultry, vegetables and other private property, even under the pretence of supplying the sick, must instantly cease, except by express order of some officer of high rank. Arrangements have been made to supply the army and its hospitals by purchase, and individual officers or soldiers must, each, purchase for himself, fairly and honestly, as at home, all comforts, not supplied by government.

By Command of Maj. Genl. Scott:

(Signed) H. L. SCOTT
A.A.A.G.

APPENDIX 4

General Orders, }
No. 101.

HEAD-QUARTERS OF THE ARMY,
Vera Cruz, April 9, 1817.

1st. Before a military commission, convened at this place by general orders, Nos. 83, 88 and 90, head-quarters of the army, and of which Lieutenant Colonel Anderson, 1st Tennessee foot, is president, was tried Isaac Kirk, a free man of color, a resident of the United States of America, charged as follows:

Charge 1st.—Rape.

Specification.—In this, that the said Isaac Kirk, colored man and a citizen of the United States, did commit, or attempt to commit, a rape on the person of Maria Antonias Gallegas, a Mexican woman, on or about the 4th of April, A. D. 1817, on the road between the ruins of Malibran and her residence, called "La Boticana," (Mexico.)

Charge 2d.—Theft.

Specification.—In this, that the said Isaac Kirk, a colored man, and a citizen of the United States, did, on or about the 4th of April, A. D. 1817, steal from Maria Antonias Gallegas, the sum of ten dollars and a comb; this on the road between Malibran and her residence, called "La Boticana," (Mexico.)

To all which the accused pleaded *not guilty*.

Sentence.

The commission found the accused, Isaac Kirk, guilty as charged, and sentenced him—four-fifths of all the members present concurring therein—to be hanged by the neck until dead; and that such execution take place at such time and place as the general-in-chief may appoint, and may God have mercy on his soul.

4th. The general-in-chief approves the proceedings and sentence in the case of Isaac Kirk. The sentence will be carried into execution at such hour to-morrow, and such place without the walls, as may be designated by the governor of the city, who is requested to cause this order to be executed, and also to cause public notice to be given of the same in the Spanish language.

By command of Major General Scott:

H. L. SCOTT,
A. A. General.

Official:

W. W. MACKALL,
A. A. General.

APPENDIX 5

GENERAL ORDERS

HEADQUARTERS OF THE ARMY,
VERA CRUZ, April 11, 1847

No. 105.

1. The country fifty miles around Tampico will constitute a separate Military Department, to be called the Department of Tampico, and the country the same distance around this city will constitute another separate Military Department to be known as the Department of Vera Cruz.

2. The senior officer in each, in the absence of the General-in-Chief, will make his ordinary reports and returns to the Adjutant General, at Washington, and those of a special character to General Headquarters in the field.

* * * * *

By command of Major General Scott.

(Signed) H. L. SCOTT
A.A.A.G.

APPENDIX 6

HEADQUARTERS OF THE ARMY,
VERA CRUZ, April 11, 1847

MAJOR GENERAL SCOTT, GENERAL-IN-CHIEF OF THE ARMIES

OF THE UNITED STATES OF AMERICA:

To The Good People of Mexico--

Mexicans: At the head of a powerful army, soon to be doubled--a part of which is advancing upon your Capital--and with another army, under Major General Taylor, in march from Saltillo towards San Luis de Potosi--I think myself called upon to address you.

Mexicans: Americans are not your enemies; but the enemies for a time, of the men who, a year ago, misgoverned you, and brought about this unnatural war between two great Republics. We are the friends of the peaceful inhabitants of the country we occupy, and the friends of your Holy Religion, its Hierarchy and its Priesthood. The same Church is found in all parts of our own country, crowded with devout Catholics, and respected by our government, laws and people.

For the Church of Mexico, the unoffending inhabitants of the country and their property, I have from the first done everything in my power to place them under the safeguard of martial law against the few bad men in this army.

My orders, to that effect, known to all, are precise and rigorous. Under them, several Americans have already been punished, by fine, for the benefit of Mexicans, besides imprisonment; and one, for a rape, has been hung by the neck.

Is this not a proof of good faith and energetic discipline? Other proofs shall be given as often as injuries to Mexicans may be detected.

On the other hand, injuries committed by individuals, or parties of Mexico, not belonging to the public forces,

upon individuals, small parties, trains of wagons and teams, or of pack mules; or on any other person or property belonging to this army, contrary to the laws of war--shall be punished with rigor--or if the particular offenders be not delivered up by Mexican authorities, the punishment shall fall upon entire cities, towns or neighborhoods.

Let, then, all good Mexicans remain at home, or at their peaceful occupations, but they are invited to bring in, for sale, horses, mules, beef, cattle, corn, barley, wheat, flour for bread, and vegetables. Cash will be paid for everything this army may take or purchase, and protection will be given to all sellers. The Americans are strong enough to offer these assurances--which, should Mexicans wisely accept, this war may soon be happily ended to the honor and advantage of both belligerents. Then the Americans, having converted enemies into friends, will be happy to take leave of Mexico, and return to their own country.

(Signed) WINFIELD SCOTT

APPENDIX 7

HEADQUARTERS OF THE ARMY
JALAPA, April 23, 1847

GENERAL ORDERS

No. 115.

Bvt. Col. Childs 1. Art. is announced to all concerned as the military Governor of the city.

The 1st Artillery and any Dragoons quartered in the city are placed at his disposition for the enforcement of such police regulations as may be adopted; and in all matters, relative to the government of the city including the assignment of quarters to troops, Col. Childs will act under instructions from the General-in-Chief, no other officer will interfere with his command or his duties.

By command of Major General Scott

(Signed) H. L. SCOTT
A. A. A. G.

OFFICIAL:

H. L. SCOTT
A. A. A. G.

APPENDIX 8

HEADQUARTERS OF THE ARMY,
JALAPA, April 29, 1847

GENERAL ORDERS

No. 127.

The General-in-Chief of the Armies of the United States, being well satisfied, that the Simple exercise of the Authority, with which the Alcaldes, along the National road and other highways of Mexico, are clothed, cannot fail in any instance to detect and punish, the murderers and banditti who infest those highways, he will in future hold the Alcalde, nearest the scene of any robbery or murder, responsible for the apprehension and punishment of the Criminals.

Should the Alcaldes fail to deliver up persons guilty of such atrocities upon American Soldiers or Citizens, a fine not less than three hundred dollars will be levied on the personal property of such Alcalde, for every case of murder, or the value of the property taken in every case of robbery.

By command of Major General Scott.

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 9

HEADQUARTERS OF THE ARMY,
JALAPA, April 30, 1847

GENERAL ORDERS

No. 128.

(Extract)

* * * * *

7. As the season is near when the army may no longer expect to derive supplies from Vera Cruz, it must begin to look, exclusively, to the resources of the country.

8. Those resources, far from being over-abundant, near the line of operations, would soon fail to support both the army and the population, unless they be gathered in without waste and regularly issued by quartermasters and commissaries.

9. Hence, they must be paid for, or the people will withhold, conceal or destroy them. The people, moreover, must be conciliated, soothed, or well treated by every officer and man of this army, and by all the followers.

10. Accordingly, whoever maltreats unoffending Mexicans; takes, without pay, or wantonly destroys their property, of any kind whatsoever, will prolong the war, waste the means, present and future, of subsisting our own men and animals as they successively advance into the interior, or return to our water depot; and no army can possibly drag after it, to any considerable distance--no matter what the season of the year--the heavy articles of bread stuffs, meat and forage.

11. Those, therefore, who rob, plunder or destroy the houses, fences, cattle, poultry, grain, fields, gardens, or property of any kind, along the line of our operations, are plainly the enemies of this army. The General-in-Chief

would infinitely prefer that the few who commit such outrages, should desert at once, and fight against us--Then it would be easy to shoot them down, or to capture and hang them.

12. Will the great body of intelligent, gallant and honorable men who compose this army, tolerate the few miscreants who perpetrate such crimes? Again, the General-in-Chief confidently hopes not. Let then the guilty be promptly seized and brought to condign punishment, or the good must suffer the consequences, in supplies and loss of character, of crimes not their own.

13. To prevent straggling and marauding, the roll of every company of the army will be called at every halt, by, or under the eye of, an officer. In camps and in quarters there must be at least three such roll calls daily.-- Besides, stragglers, on marches, will certainly be murdered or captured by rancheros.

14. The waste of ammunition by neglect and idle or criminal firing, is a most serious evil in this army. All officers are specially charged to see that not a cartridge be lost from the want of care, or fired except by order; or otherwise fifty wagons of ammunition would not suffice for the campaign, and it is difficult to find ten. Let every man remember that it is unsafe to meet the enemy without forty rounds in his cartridge box.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 10

HEADQUARTERS OF THE ARMY,
JALAPA, May 6th, 1847

GENERAL ORDERS

No. 142.

An error in paragraph one, of General Orders No. 129, April 30, 1847 makes it necessary to republish that paragraph corrected as follows.

The country between Plan del Rio and Las Vigas will constitute a separate Military Department to be called "The Department of Jalapa," and that between Las Vigas and Napolenca, a separate Military Department, to be called, "The Department of Perote" each under the command of whatever Officer may find himself senior therein, in the absence of The General-in-Chief.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 11

HEADQUARTERS OF THE ARMY,
JALAPA, May 6, 1847

GENERAL ORDERS

No. 114.

On the occupation of Puebla, by our forces, there will be established a new separate Military Department to be called the department of Puebla, which will embrace the country from Napolenca to San-Martin by both sides of the National road between, to the distance of thirty miles.

By Command of Major General Scott:

H. L. SCOTT,
A. A. A. G.

APPENDIX 12

THE GENERAL-IN-CHIEF OF THE ARMIES OF THE UNITED STATES OF AMERICA, TO THE MEXICAN NATION.

MEXICANS: The late events of the war, and the measures adopted in consequence by your government, make it my duty to address you, in order to lay before you truths of which you are ignorant, because they have been criminally concealed from you. I do not ask you to believe me singly on my word—though he who has not been found false has a claim to be believed—but to judge for yourselves of these truths, from facts within the view and scrutiny of you all.

Whatever may have been the origin of this war, which the United States were forced to undertake by insurmountable causes, we regard it as an evil. War is ever such to both belligerents; and the reason and justice of the case, if not unknown on both sides, are in dispute, and claimed by each. You have proof of this truth as well as we; for in Mexico, as in the United States, there have existed, and do exist, two opposite parties—one desiring peace; another, war.

Governments, however, have sacred duties to perform, from which they cannot swerve; and these duties frequently impose, from national considerations, a silence and a reserve that displease, at times, the majority of those who, from views purely personal or private, are found in opposition; to which governments can pay little attention, expecting the nation to repose in them the confidence due to a magistracy of its own selection.

Considerations of high policy and of continental American interests precipitated events, in spite of the circumspection of the cabinet at Washington. This cabinet, ardently desiring to terminate all differences with Mexico, spared no efforts compatible with honor and dignity. It cherished the most flattering hopes of attaining this end by frank explanations and reasonings addressed to the judgment and prudence of the virtuous and patriotic government of General Herrera. An unexpected misfortune

dispelled these hopes, and closed every avenue to an honorable adjustment. Your new government disregarded your national interests as well as those of continental America, and yielded, moreover, to foreign influences the most opposed to those interests—the most fatal to the future of Mexican liberty, and of that republican system which the United States hold it a duty to preserve and to protect. Duty, honor, and dignity, placed us under the necessity of not losing a season, of which the monarchical party was fast taking advantage. As not a moment was to be lost, we acted with a promptness and decision suited to the urgency of the case, in order to avoid a complication of interests which might render our relations more difficult and involved.

Again: in the course of civil war, the government of General Paredes was overthrown. We could not but look upon this as a fortunate event, believing that any other administration, representing Mexico, would be less deluded, more patriotic, and more prudent—looking to the common good, weighing probabilities, strength, resources, and, above all, the general opinion as to the inevitable results of a national war. We were deceived—as perhaps you, Mexicans, were also deceived—in judging of the real intentions of General Santa Anna, Whom you recalled, and whom our government permitted to return.

Under this state of things the Mexican nation has seen the results lamented by all, and by us most sincerely; for we appreciate as is due, the valor and noble decision of those unfortunate men who go to battle, ill-conducted, worse cared for, and almost always enforced by violence, deceit, or perfidy.

We are witnesses—and we shall not be taxed with partiality, as a party interested, when we lament with surprise—that the heroic behavior of the garrison of Vera Cruz, in its valiant defence, has been aspersed by the general who had just been routed and put to shameful flight at Buena Vista, by a force far inferior to his own; that the same general rewarded the insurgents of the capitol—promoters of civil war—and heaped outrage on those who had just acquired for themselves singular distinction by a resistance beyond expectation, and of admirable decision.

Finally, the bloody event of Cerro Gordo has plainly shown the Mexican nation what it may reasonably expect, if it longer continues blind to its real situation—a situation to which it has been brought by some of its generals, whom it has most distinguished, and in whom it has most confided.

The hardest heart would have been moved to grief in contemplating any battlefield of Mexico, a moment after the last struggle. Those generals whom the nation has paid without service rendered, for so many years, have, in the day of need, with some honorable exceptions, but served to injure her by their bad example of unskillfulness. The dead and wounded on those fields received no marks of military distinction, sharing alike the sad fate which has been the same from Palo Alto to Cerro Gordo; the dead remained unburied, and the wounded abandoned to the clemency and charity of the victor. Soldiers who go to battle, knowing they have such reward to look for, deserve to be classed with the most heroic; for they are stimulated by no hope of glory, nor remembrance, nor a sigh—not even a grave.

Again contemplate, honorable Mexicans, the lot of peaceful and industrious citizens in all classes of your country. The possessions of the church menaced, and presented as an allurement to revolution and anarchy; the fortunes of rich proprietors pointed out for the plunder of armed ruffians; the merchant and the mechanic, the husbandman and the manufacturer, burdoned with contributions, excises, monopolies, duties on consumption, and surrounded by officers and collectors of these odious internal customs; the man of letters and legislator; the freeman of knowledge, who dares to speak, persecuted, without trial, by some faction, or by the very rulers who abuse their power; and criminals, unpunished, are set at liberty, as were those of Perote. What, then, Mexicans, is the liberty of which you boast?

I will not believe that Mexicans of the present day want the courage to confess errors which do not dishonor them, or to adopt a system of true liberty—one of peace and union with their brethern and neighbors of the north.

Neither can I believe Mexicans ignorant of the infamy of the calumnies put forth by the press, in order to excite hostility against us. No; public spirit cannot be created nor animated by falsehood. We have not profaned your temples, nor abused your women, nor seized your property, as they would have you believe. We say it with pride, and we confirm it by an appeal to your bishops and the curates of Tampico, Tuzpan, Matamoras, Monterey, Vera Cruz, and Jalapa; to all the clergy, civil authorities, and inhabitants of all the places we have occupied.

We adore the same God; and a large portion of our army, as well as of the people of the United States, is Catholic like yourselves. We punish crime wherever we find it, and reward merit and virtue.

The army of the United States respects, and will ever respect, private property of every class, and the property of the Mexican church. Woe to him who does not--where we are.

Mexicans: the past is beyond remedy, but the future may yet be controlled. I have repeatedly declared to you that the government and people of the United States desire peace--desire your sincere friendship. Abandon, then, state prejudices; cease to be the sport of private ambition; and conduct yourselves like a great American nation. Abandon at once those old colonial habits, and learn to be truly free--truly republican. You may then soon attain prosperity and happiness, of which you possess all the elements; but remember that you are Americans, and that your happiness is not to come from Europe.

I desire, in conclusion, to say to you, with equal frankness, that, were it necessary, an army of one hundred thousand Americans would soon be among you; and that the United States; if forced to terminate, by arms, their differences with you, would not do it in an uncertain or precarious, or still less in a dishonorable manner. It would be an insult to the intelligent people of this country to doubt their knowledge of our power.

The system of forming guerilla parties to annoy us, will, I assure you, produce only evils to this country, and none to our army, which knows how to protect itself, and how to proceed against such cut-throats; and if, so far from calming resentments and passions, you try to irritate, you will but force upon us the hard necessity of retaliation. In that event, you cannot blame us for the consequences which will fall upon yourselves.

I shall march with this army upon Puebla and Mexico; I shall not conceal this from you. From those capitols I may again address you. We desire peace, friendship, and union; it is for you to choose whether you prefer continued hostilities. In either case, be assured I will keep my word.

HEADQUARTERS OF THE ARMY, Jalapa, May 11, 1847

APPENDIX 13

HEADQUARTERS OF THE ARMY
PEUBLA, May 30th, 1847

GENERAL ORDERS

No. 162.

(Extract)

* * * * *

4. By agreement heretofore made, no private building, stable or lot of ground in this city will be occupied by the troops, or the General Staff of the Army, except on the condition of giving a reasonable rent to the owner.

By Command of Major General Scott.

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 14

HEADQUARTERS OF THE ARMY,
PUEBLA, June 24, 1847

GENERAL ORDERS

No. 187.

1. Proceedings of a Council of War, convened at this place, by virtue of the following order:

HEADQUARTERS OF THE ARMY,
PUEBLA, June 19, 1847

GENERAL ORDERS—No. 181.

A COUNCIL OF WAR, to try a case under the Laws of War, will meet tomorrow at 10 o'clock, a.m., in the building of this city called the Palace.

MEMBERS.

Major General Quitman,
Brevet Brigadier General Smith,
Colonel W. S. Harney,
Colonel Butler,
Lieutenant Colonel Johnston.

Captain W. C. De Hart, 2d Artillery, is appointed the Recorder of the Council.

By Command of Major General Scott.

(Signed) H. L. SCOTT, A.A.A.G.

Before this Council of War was tried Martin Tritschler, a resident of the city of Puebla charged as follows:

CHARGE 1.--Persuading or endeavoring to procure soldiers to desert the Army of the United States.

SPECIFICATION.--In this, that Martin Tritschler, a resident of the city of Puebla, of the State of Puebla and Republic of Mexico, and at the present is, or late was, an officer of the National Guard of the City and State and Republic aforesaid, did, in the said City of Puebla, on or about the 17th day of June, 1847, attempt by divers enticements, to procure and persuade a soldier or soldiers of the Army of the United States to desert the said service. The said Republics of the United States of America and of Mexico being then in a state of war.

CHARGE 2.--Acting as a secret agent or emissary of the enemy.

SPECIFICATION.--In this, that Martin Tritschler, a resident of the city of Puebla, of the State of Puebla, and Republic of Mexico, and at the present is, or late was, an officer of the National Guard of the City and State and Republic aforesaid, and being permitted to live in the said city of Puebla for the peaceful pursuit of his ordinary business, was nevertheless, in violation of the Laws of War, acting at the said time to wit: during the month of June, or part of the month of June, 1847, as a secret agent or emissary of the aforesaid Republic of Mexico, for the purpose of persuading and procuring soldiers of the Army of the United States of America to desert the said service; and in furtherance of such purpose, the said Martin did cause to be printed, and did publish, circulate or utter certain papers in the Spanish, German and English languages offering rewards and inducements for desertion from the Army of the United States of America—and declaring a safe conduct to the bearer, or deserter, to enable him to reach the enemy's capital or camp. This at the city of Puebla, Mexico, the said city being then in the military occupancy of the United States of America, and the said Republic at War with that of Mexico.

To all of which, the prisoner pleaded "Not Guilty."

SENTENCE

The Council of War, having maturely considered the evidence adduced, find the prisoner, Martin Tritschler, as follows:

Guilty of the specification of the first charge.
Guilty of the first charge.
Guilty of the specification of the second charge.
Guilty of the second charge;-

and do sentence the prisoner, Martin Tritschler, to be shot to death, at such time and place as the General-in-Chief may direct.

2. Proceedings of the aforesaid Council of War, by virtue of the General Orders No. 181, above recited, and the following order:

HEADQUARTERS OF THE ARMY,
PUEBLA, June 22, 1847.

GENERAL ORDERS--No. 183.

The Council of War, of which Major-General Quitmen is President and now in session, will proceed to try such other cases, under the Laws of War, as may be presented.

The sentences, or findings, of the Council of War in cases of guilt, established by evidence, may be absolute or advisory, according to the discretion of the Council.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A.A.A.G.

Jose Maria de Medina, a Mexican citizen, was tried before the Council of War, charged as follows:

CHARGE.--Persuading, or endeavoring to procure desertion from the Army of the United States of America.

SPECIFICATION 1. In this, that Jose Maria de Medina, a Mexican citizen, did, at the city of Puebla, State of Puebla, and Republic of Mexico, willfully persuade or endeavor to procure the desertion of private Robert King, of H. Co. 2d Artillery, of the Army of the United States of America, on the 19th day of June, 1847. The Republic of the United States of America and of Mexico, being then at war; and the said city of Puebla in the military occupancy of troops of the said United States.

SPECIFICATION 2. In this that Jose Maria de Medina, a Mexican citizen did, at the city of Puebla, State of Puebla, and the Republic of Mexico, willfully persuade, or endeavor to procure the desertion of private James Heany, of H Co. 2d Artillery, of the Army of the United States of America, on the 20th day of June, 1847. The Republics of the United States of America, and of Mexico, being then at war; and the city of Puebla in the military occupancy of troops of the said United States.

To allwhich the prisoner pleaded "Not Guilty."

FINDING

Upon mature deliberations, the Council of War find the prisoner as follows:

Of 1st Specification "Not Guilty."

Of 2d Specification "Not Guilty."

Of the Charge "Not Guilty;" and the Council of War do therefore acquit the prisoner Jose Maria de Medina, of the charges exhibited against him.

3. The General-in-Chief approves the decision of the Council of War in the foregoing cases.

In that of Martin Tritzschler, upon the recommendation

of a majority of the officers composing the Council—which recommendation is founded upon the occasional insanity of the prisoner, as shown in evidence—the General-in-Chief remits the punishment of death.

By Command of Major General Scott

H. L. SCOTT,
A. A. A. G.

APPENDIX 15

HEADQUARTERS OF THE ARMY,
PUEBLA, July 9, 1847

GENERAL ORDERS

No. 206.

The following regulations will be rigidly observed.

No Officer or Soldier will appear in the Streets of any City of Mexico, without his Side Arms.

No Soldier will leave his quarters without a written permission and such permissions will not be given, except in very Special cases, after retreat.

One fourth of each regiment or Corps will be on constant guard service and to no one of a guard will a pass be granted. A part of each guard will make rounds or patrols for the preservation of order, and the enforcement of those rules, occasionally during the day, and more frequently at night, as the field officer, or other officer of the day may direct.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A.A.A.G.

APPENDIX 16

HEADQUARTERS OF THE ARMY,
PUEBLA, July 28, 1847

GENERAL ORDERS

No. 238.

Experience has shown that the safety of the persons and property of this army, calls for a more regular system of police and activity on the part of patrols, guards and sentinels.

In addition to the means heretofore prescribed, (see General Orders, No. 206,) the commander of the cavalry brigade will detail daily, for night duty, beginning at 12 o'clock and terminating about sunrise, a mounted patrol of a sergeant, corporal and twelve men, for every two hours, to make the entire circuit of the environs of this city.

The cavalry patrols, like those of foot in the interior, will receive the standing instruction to seize and to turn over the nearest guard all suspicious and disorderly persons for examination or trial.

The field officer of the day will see that the patrol duty, both exterior and interior, be duly performed, and distribute that duty between the foot patrols, so that every part of the city may be regularly patrolled several times in every night.

By Command of Major General Scott.

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 17

HEADQUARTERS OF THE ARMY
PUEBLA, Aug. 5, 1847

GENERAL ORDERS

No. 246.

* * * * *

Brevet Col. Childs, already assigned to duty according to that brevet, is appointed military and civil governor of this city, with Captain W. C. De Hart as lieutenant governor; and when the third division shall have taken up its line of march, the Colonel will become the commander of the military department of Puebla, created by General Orders, No. 144.

* * * * *

The greater part of the convalescents and invalids who may be left in Puebla will, from the first, be able to do some duty in and about the city. The governor will, accordingly, organize them into temporary companies as far as practicable under officers and non-commissioned officers of their respective regiments; and those companies may again be organized into temporary battalions. The main body of the garrison will be designated in special orders.

* * * * *

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 18

HEADQUARTERS OF THE ARMY,
TACUBAYA, August 24th, 1847

GENERAL ORDERS

No. 262.

The following military convention is published for the information and strict government of the American Army, its retainers and followers. Any infraction of one or more of the articles of the said Convention shall be followed by rigorous punishment.

The undersigned appointed respectively, the three first by Major General Winfield Scott, Commander in Chief of the Armies of the United States, and the two last by his Excellency D. Antonio Lopez de Santa-Anna, President of the Mexican Republic and Commander in Chief of its Armies, met with full powers which were duly verified in the village of Tacubaya on the 22d day of August, 1847, to enter into an armistice, for the purpose of giving the Mexican Government an opportunity of receiving propositions for peace from the commissioner appointed by the President of the United States, and now with the American Army, when the following articles were agreed upon:

Art. 1. Hostilities shall instantly and absolutely cease between the armies of the United States of America, and the United Mexican States within thirty leagues of the capital of the latter states, to allow time to the commissioner appointed by the United States; and the commissioners to be appointed by the Mexican Republic, to negotiate.

2. This Armistice shall continue as long as the commissioners of the two governments may be engaged in negotiations, or until the commander of either of the said armies shall give formal notice to the other of the cessation of the armistice, and for forty-eight hours after such notice.

3. In the meantime neither army shall, within thirty leagues of the city of Mexico, commence any new fortifications, or military work of offence or defense, or do any thing to enlarge or strengthen any existing work or fortification of that character within the said limits.

4. Neither army shall be reinforced within the same. Any reinforcements in troops or munitions of war, other than subsistence now approaching either army, shall be stopped at the distance of at least twenty-eight leagues from the city of Mexico.

5. Neither army, nor any detachment from it shall advance beyond the line it at present occupies.

6. Neither army, nor any detachment or individual of either, shall pass the neutral limits established by the last article, except under flags of truce bearing the correspondence between the two armies, or on the business authorized by the next article; and individuals of either army who may chance to struggle within the neutral limits shall, by the opposite party, be kindly warned off or sent back to their own army under flags of truce.

7. The American Army shall not by violence obstruct the passage from the open country into the city of Mexico, of the ordinary supplies of food necessary to the consumption of its inhabitants, or the Mexican Army within the city; nor shall the Mexican authorities, civil or military, do any act to obstruct the passage of supplies from the city or the country needed by the American army.

8. All American prisoners of war remaining in the hands of the Mexican Army, and not heretofore exchanged, shall immediately, or as soon as practicable, be restored to the American Army against a like number, having regard to rank of Mexican prisoners captured by the American Army.

9. * * * (Omitted)(See Mexican ratification.)

10. The better to enable the belligerent armies to execute these articles and to favor the great object of peace, it is further agreed between the parties, that any

courier with dispatches that either army shall desire to send along the line from the City of Mexico or its vicinity, to and from Vera Cruz, shall receive a safe conduct from the commander of the opposing army.

11. The administration of justice between Mexicans, according to the general and state constitutions and laws, by the local authorities of the towns and places occupied by the American forces, shall not be obstructed in any manner.

12. Persons and property shall be respected in the towns and places occupied by the American forces.—No person shall be molested in the exercise of his profession; nor shall the services of any one be required without his consent. In all cases where services are voluntarily rendered a just price shall be paid and trade remain unmolested.

13. Those wounded prisoners who may desire to remove to some more convenient place for the purpose of being cured of their wounds, shall be allowed to do so without molestation—they still remaining prisoners.

14. Those Mexican medical officers who may wish to attend the wounded shall have the privilege of doing so as their service be required.

15. For the more perfect execution of this agreement two commissioners shall be appointed, one by each party, who in case of disagreement shall appoint a third.

16. This convention shall have no force or effect unless approved by their excellencies, the commanders respectively of the two armies, within twenty-four hours, reckoning from 6 o'clock, a.m., of the 23d day of August, 1847.

(Signed)	J. A. QUITMAN, Maj. General, U. A. A.
"	PERSIFOR F. SMITH, Bvt. Brig. Gen., U.S.A.
"	FRANKLIN PIERCE, Brig. Gen., U.S.A.
"	IGNACIO DE MORA Y VILLIMIL
"	BENITO QUIJANO

Headquarters of the Army of the United States of America,
Tacubaya, August 23d, 1847

Considered, approved and ratified, with the express understanding that the word "supplies," as used the second time, and without qualification, in the seventh article of this military convention—American copy—shall be taken to mean** as in both the British and American armies** arms, ammunition, clothing, equipments, subsistence, (for men) forage, money and in general all the wants of an army. That word supplies in the Mexican copy is erroneously translated "viveres" instead of recursos.

WINFIELD SCOTT, General-in-Chief,
U. S. Army.

Palacio Nacional de Mexico.
Agosto 24 de 1847.

Ratificado suprimiendo el artículo 9.º con explicación del 4.º en el sentido de que la paz temporal de este armisticio, se observara en la capital y veinte ocho leguas al rededor; convenido en que la palabra supplies se traduzca recursos, y que en ella se comprenda lo que pueda haber menester el ejercito, excepto armas y municiones.

(Firmado) ANTONIO LOPEZ DE SANTA-ANNA

Headquarters of the Army of the United States of America,
Tacubaya, August 24th, 1847

I accept and ratify the foregoing qualifications added by the President General of the Mexican Republic.

(Signed) WINFIELD SCOTT

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 19

GENERAL ORDERS

HEADQUARTERS OF THE ARMY,
NATIONAL PALACE OF MEXICO,
September 17, 1847

No. 287.

The General-in-Chief republishes, the important additions, his General Orders No. 20, of February 19, 1847 (declaring MARTIAL LAW), to govern all who may be concerned.

1. It is still to be apprehended that many grave offences not provided for in the act of Congress "establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, may be again committed--by, or upon, individuals of those armies, in Mexico, pending the existing war between the two Republics. Allusion is here made to offences, any one of which, if committed within the United States or their organized territories, would, of course, be tried and severely punished by the ordinary or civil courts of the land.

2. Assassination, murder, poisoning, rape or the attempt to commit either; malicious stabbing or maiming; malicious assault and battery; robbery; theft; the wanton desecration of churches, cemeteries or other religious edifices and fixtures, the interruption of religious ceremonies, and the destruction, except by order of a superior officer, of public or private property, are such offenses.

3. The good of the service, the honor of the United States and the interests of humanity, imperiously demand that every crime, enumerated above, should be severely punished.

4. But the written code, as above, commonly called the rules and articles of war, does not provide for the punishment of one of those crimes, even when committed by individuals of the army upon the persons or property of other individuals of the same, except in the very restricted case in the 9th of those articles; nor for like

outrages, committed by the same class of individuals, upon the persons or property of a hostile country except very partially, in the 51st, 52nd, and 55th articles; and the same code is absolutely silent as to all injuries which may be inflicted upon individuals of the army, or their property, against the laws of war, by individuals of a hostile country.

5. It is evident that the 99th article, independent of any restriction in the 87th, is wholly nugatory in reaching any one of those high crimes.

6. For all the offences, therefore, enumerated in the second paragraph above, which may be committed abroad--in, by, or upon the army, a supplemental code is absolutely needed.

7. That unwritten code is Martial Law, as an addition to the written military code, prescribed by Congress in the rules and articles of war, and which Congress in the rules and articles of war, and which unwritten code, all armies, in hostile countries, are forced to adopt--not, only for their own safety, but for the protection of the unoffending inhabitants and their property, about the theatres of military operations, against injuries on the part of the army contrary to the laws of war.

8. From the same supreme necessity, martial law is hereby declared as a supplemental code in, and about, all cities, towns, camps, posts, hospitals, and other places which may be occupied by any part of the forces of the United States, in Mexico, and in, and about, all columns, escorts, convoys, guards and detachments of the said forces, which engaged in prosecuting the existing war in, and against the said republic, and while remaining within the same.

9. Accordingly, every crime, enumerated in paragraph No. 2, above, whether committed--1. By any inhabitant of Mexico, sojourner or traveller therein, upon the person or property of any individual of the United States forces, retainer or follower of the same; 2. By any individual of the said forces, retainer or follower of the same, upon the person or property of any inhabitant of Mexico, sojourner or traveller therein, or 3. By any individual of

the said forces, retainer or follower of the same, upon the person or property of any other individual of the said forces, retainer or follower of the same--shall be duly tried and punished under the said supplemental code.

10. For this purpose it is ordered, that all offenders, in the matters aforesaid, shall be promptly seized, confined, and reported, for trial, before Military Commissions, to be duly appointed as follows:

11. Every military commission, under this order, will be appointed, governed and limited, as nearly as practicable, as prescribed by the 65th, 66th, 67th, and 97th, of the said rules and articles of war, and the proceedings of such commissions will be duly recorded in writing, reviewed, revised, disapproved or approved, and the sentences executed--all, as near as may be, as in the cases of the proceedings and sentences of courts-martial, provided, that no military commission shall try any case clearly cognizable by any courts-martial, and provided, also, that no sentence of a military commission shall be put in execution against any individual belonging to this army, which may not be, according to the nature and degree of the offence, as established by evidence, in conformity with known punishments, in like cases, in some one of the States of the United States of America.

12. The sale, waste or loss of ammunition, horses, arms, clothing or accoutrements, by soldiers, is punishable under the 37th and 38th articles of war. Any Mexican or resident or traveller, in Mexico, who shall purchase of any American soldier, either horse, horse-equipments, arms, ammunition, accoutrements or clothing, shall be tried and severely punished, by a military commission, as above.

13. The administration of justice, both in civil and criminal matters, through ordinary courts of the country, shall nowhere, and in no degree, be interrupted by any officer or soldier of the American forces, except, 1. In cases to which an officer, soldier, agent, servant, or follower of the American army may be a party; and 2. In political cases--that is, prosecutions against other individuals on the allegations that they have been friendly

and given information, aid or assistance to the American forces.

14. For the ease and safety of both parties, in all cities and towns occupied by the American army, a Mexican police shall be established and duly harmonized with the military police of the said forces.

15. This splendid capital—its churches and religious worship; its convents and monasteries; its inhabitants and property, are, moreover, placed under the special safeguard of the faith and honor of the American army.

16. In consideration of the foregoing protection, a contribution of \$150,000 is imposed on this capital, to be paid in four weekly installments of thirty-seven thousand five hundred dollars (\$37,500) each, beginning on Monday next, the 20th instant, and terminating on Monday the 11th of October.

17. The Ayuntamiento, or corporate authority of the city, is specially charged with collection and payment of the several installments.

18. Of the whole contribution to be paid over to this army, twenty thousand dollars shall be appropriated to the purchase of extra comforts for the wounded and sick in hospitals;—ninety thousand dollars (\$90,000) to the purchase of blankets and shoes for gratuitous distribution among the rank and file of the army, and forty thousand dollars (\$40,000) reserved for other necessary military purposes.

19. This order will be read at the head of every company of the United States forces serving in Mexico, and translated into Spanish for the information of Mexicans.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 20

HEADQUARTERS OF THE ARMY,
NATIONAL PALACE OF MEXICO,
September 18, 1847

GENERAL ORDERS

No. 289.

1. The army, by degrees and beginning as soon as practicable, will be distributed and quartered over the city as follows:

2. The first division on, or near, the direct route from the gate of San Cosme towards the Cathedral, and extending a little beyond the east end of the Alameda. This division will keep a competent guard, with two guns of medium calibre, at that gate.

3. The second division about the Plaza Mayor and extending towards the gate of San Lazaro, or the Penon, at which it will keep a guard and two pieces of artillery as above.

4. The third division on, or near, the direct route from the gate of Peravillo, or Guadalupe, towards the Cathedral, but not South of the Convent of San Domingo, and will keep a guard with two pieces of artillery, as above, at that gate.

5. The Volunteer division on, or near, the direct route from the gate of San Antonio towards the Cathedral, but not north of the Hospital of Jesus, and will keep a guard, with two pieces of artillery, as above, at that gate.

6. The brigade of Cavalry will be quartered in the Calvary barracks near the National Palace, marked, on the plan of the city, small m. This brigade will furnish, daily, a detachment of a corporal and six men to the respective gates of divisions, to serve as couriers (or estafettes) between the gates and the commanders of the respective divisions, and for other like purposes.

7. No private house shall be occupied by any corps or officer, until all suitable public buildings within the above ranges shall be first fully occupied; and all officers, attached to troops, shall be quartered with, or near, their troops respectively.

8. No rent shall be paid by the United States for any building occupied by troops or officers, without a special direction from general headquarters; nor shall any private house be occupied as quarters without the free consent of the owner, or orders from general headquarters. No deviation from these injunctions will be tolerated.

9. The collection of customs or duties at the several gates of the city, by the civil authorities of the same, will be continued as heretofore, until modified by the civil and military Governor (Major-General Quitman) according to the views of the General-in-Chief. But supplies belonging to the Quartermaster's and Commissary's departments will at once be exempted from all duties.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 21

HEADQUARTERS OF THE ARMY,
MEXICO, Sept. 24, 1847

GENERAL ORDERS

No. 296.

The General-in-Chief has received through many kind sources, Mexican and others, undoubted information that an extensive conspiracy is on foot, about us, to surprise (by means of an insurrection) our guards and quarters, and to murder our officers and men.

Mexican officers and soldiers, in disguise, who had not the courage to defend their capitol, are the leaders of this conspiracy, aided by some fifteen hundred thieves and murderers, who were turned loose for that purpose, and to prey upon the peaceable inhabitants, the night before the triumphal entry of the American Army into this City.

The conspirators have also the services of several false priests who dishonor the holy religion which they only profess for the special occasion.

Until ready for the insurrection, the disguised villians hope to do us much harm in detail. Their plan is to assassinate stragglers, particularly drunken men; to entice individuals or small parties into shops, to drink, and to stab them when in their cups; to entice our gallant Roman Catholic soldiers who have done so much honor to our colors, to desert, under a promise of land in California, which our arms have already conquered, and which, forever, will remain a part of the United States.

Let all our soldiers, protestant and catholic, remember that fate of the deserters taken at Churubusco. These deluded wretches were also promised money and land; but the Mexican government, by every sort of ill usage, drove them to take up arms against the country and flag

they had voluntarily sworn to support, and next placed them in front of the battle--in positions from which they could not possibly escape the conquering valor of our glorious ranks. After every effort of the General-in-Chief to save, by judicious discrimination, as many of those miserable convicts as possible, fifty of them have paid for their treachery by an ignominious death on the gallows!

Again the General-in-Chief calls on his brethern in arms, of all grades, to be constantly on the alert, by day, as by night;--never to appear in the streets without side arms;--to walk out only in parties of twos; threes or more, and to avoid all obscure places--particularly treacherous dram shops and liquor stores.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 22

HEADQUARTERS OF THE ARMY,
MEXICO, Sept. 24, 1847.

GENERAL ORDERS

No. 297.

1. Here, as in all Roman Catholic countries, there are frequent religious processions, in the streets, as well as in churches--such as the elevation of the host, the viaticum, funerals, etc.

2. The interruption of such processions has already been prohibited in orders, and as no civilized person will ever wantonly do any act to hurt the religious feelings of others, it is earnestly requested of all protestant Americans either to keep out of the way, or to pay to the catholic religion and its ceremonies every decent mark of respect and deference.

3. In the case of the viaticum (visits of consolation to the sick and dying) commanders of corps are requested, when called upon, to allow two Roman Catholic soldiers to perform the usual functions on such occasions.

4. There is every reason to believe that a very large distribution of knives and dirks has recently been made to liberated convicts (thieves and murderers) for the purpose of assassinating American soldiers found drunk or otherwise off their guard.

5. Measures are in progress to search out and seize, for execution, the instigators and leaders of those assassins. In the meantime guards, and patrols will search all suspicious persons, disarm, and if necessary, confine them for trial and punishment.

By Command of Major General Scott;

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 23

HEADQUARTERS OF THE ARMY,
MEXICO, Sept. 24, 1847

GENERAL ORDERS

No. 298.

To insure good order and discipline during the occupation by the Army, of this capital, the following daily details will be regularly made:

1. A General Officer of the Day to report to the General-in-Chief: to superintend generally, the exterior good order and discipline of the whole garrison; to visit the guards and outposts; to call out and inspect the inlying pickets as often, and at such times, as he may think proper; to organize patrols from the inlying pickets, and to receive all reports concerning the preservation of order and discipline, and make immediate, communication of any extraordinary occurrence to the General-in-Chief.

2. A Field Officer of the Day of each division and one of the Cavalry Brigade, who will have the immediate superintendence of the troops in quarters of his division or brigade; to be present at the mounting and dismounting of the guards of his division, particularly of the inlying pickets, always to be considered under his immediate command; to call them out for inspection, and to order such patrols from them, under the directions of the general officer of the day, as may be deemed necessary to insure good order and discipline in the city; and in the event of an inlying picket being ordered to march, he will head it.

3. One-third of each regiment, not on other duty, will constitute its portion of the inlying picket.

4. A Captain or Subaltern of the Day, of each regiment, will superintend the quiet, cleanliness and regularity of the quarters of the regiments; attend the parading of all regimental guards, and order the roll to be called frequently and at unexpected periods, and report everything extraordinary to the commanding officer; visit company kitchens and messes, and make report of their condition to the commanding officer.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 24

HEADQUARTERS OF THE ARMY,
MEXICO, Nov. 25, 1847

GENERAL ORDERS

No. 358.

Under instructions from the Government at home, requiring that this army shall, as soon as practicable, begin to raise within the country it occupies, the means in whole or in great part, of maintaining the expenses of the occupation, until the Federal Government of Mexico shall submit terms of peace which the United States may honorably accept, it is ordered that no uncoined bullion, bars of ingots, either of gold or silver, shall be shipped from any port of Mexico, until the further orders of the Government at home shall be made known on the subject, so as to give time for said Government to fix the rate of export duty on such bullion, and, perhaps, a smaller duty on gold and silver coins.

As the beginning of the change of system, intimated above, all rents for houses or quarters occupied by officers or troops of the army, in any city or village, in Mexico, will cease as soon as contracts may permit, and absolutely from and after the end of this month, wherever this order shall be received in time; and, in future, necessary quarters, both for officers and troops, where the public buildings are insufficient, will first be demanded, as required, of the civil authorities of the several places occupied by the troops, so as to equalize the inconveniences imposed upon the inhabitants, and diminish the same as much as possible.

If authorities fail to put the troops promptly in possession of such quarters, then the commanding officer, in every such case, following out the same principle of giving the least distress practicable to the unoffending inhabitants, will cause the necessary buildings to be occupied.

Subsistence, forage and other necessities, for the army, will be purchased and paid for as heretofore; and the injunctions and penalties of the Martial Law order, dated February 19, 1847, originally published at Tampico, and republished several times since, with additions, will, as from the first, be strictly enforced, as also, in general, all the obligations of good morals and the most exact discipline.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 25

HEADQUARTERS OF THE ARMY,
MEXICO, December 2, 1847

GENERAL ORDERS

No. 362.

Until instructions on the subject shall be received from the Government at home, no gold or silver bullion, in the parts of Mexico occupied by this army shall be transported to any place that has not a mint for coinage, and not an ounce shall be exported in bars or ingots (plata y oro en pasta), except such as may already be at one of the posts occupied as above. The latter may be exported on the payment to the collectors of the ports, respectively, of five per centum on its value.

From the reception of this order, and until different instructions shall be received, a like duty will be levied and collected, as above, on the exportation of gold and silver coins from all ports in the republic of Mexico occupied by the forces of the United States.

The amount of specie (coins) intended for exportation abroad, before it be sent off from this neighborhood to a seaport, will be declared in the office of the Civil and Military Governor of the capital, in such form as he may prescribe. Coins, intended for shipment, arriving at a seaport from other neighborhoods, where there are no military commanders of the United States army will be declared, in like manner, to the military commander of the port of shipment, as well as to the collector of the same, without fee or reward to such commander.

Any evident attempt at evading any of the provisions of this order, shall be punished primarily, by the seizure and confiscation to the benefit of the United States of the bullion or coins in question.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 26

HEADQUARTERS OF THE ARMY,
MEXICO, December 12, 1847

GENERAL ORDERS

No. 372.

1. The highways of Mexico, used, or about to be used, by the American troops, being still infested, in many parts, by those atrocious bands called guerilleros and rancheros, who, under instructions from the late Mexican authorities, continue to violate every rule of warfare observed by civilized nations, it has become necessary--in order to insure vigor and uniformity in the pursuit of the evil--to announce to all the views and instructions of general headquarters on the subject.

2. Every American post, established in Mexico, will daily push detachments, or patrols as far as practicable, to disinfect the neighborhood--its roads and places of concealment.

3. No quarter will be given to known murderers or robbers, whether called guerilleros or rancheros, and whether serving under Mexican commissions or not. They are equally pests to unguarded Mexicans, foreigners and small parties of Americans, and ought to be exterminated.

4. Offenders, of the above character, accidentally falling into the hands of American troops, will be momentarily held as prisoners--that is, not put to death without due solemnity. Accordingly, they will be promptly reported to commanding officers, who will, without delay, order a Council of War for the summary trial of the offenders under the known laws of war applicable to such cases.

5. A council of war may consist of any number of officers not less than three, nor more than thirteen, and may, for any flagrant violation of the laws of war,

condemn to death, or to lashes--not exceeding fifty--on satisfactory proof that such prisoner, at the time of capture, actually belonged to any party or gang of known robbers or murderers, or had actually committed murder or robbery upon any American officer or soldier or follower of the American army.

6. Punishments awarded by councils of war will be reviewed, approved or disapproved by the commanders who, respectively, order the councils, and in cases of approval, be immediately put into execution by their orders; but councils of war, except in extreme cases, will be ordered only by commanders of detached divisions or brigades, or by commanders of military departments.

7. All punishments, under this order, will be duly reported to general headquarters.

8. The new post, Rio Frio, will be considered under the direct command of the general-in-chief and in correspondence with him, until further orders.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 27

HEADQUARTERS OF THE ARMY,
MEXICO, December 15, 1847

GENERAL ORDERS

No. 376.

1. This army is about to spread itself over and to occupy the Republic of Mexico, until the latter shall sue for peace on terms acceptable to the Government of the United States.

2. On the occupation of the principal point in any state, the payment to the Federal Government of the Republic of all taxes or dues, of whatever name or kind, heretofore—say, in the year 1844—payable to or collected by that government, is absolutely prohibited, as all such taxes or dues will be demanded of the proper civil authorities for the support of the army of occupation.

3. The state and federal district of Mexico being already so occupied, as well as the States of Vera Cruz, Puebla and Tamaulipas, the usual taxes or dues, heretofore contributed by the same to the federal government, will be considered as due and payable to this army, from the beginning of the present month, and will early be demanded of the civil authorities of the said states and district, under rules and penalties which shall be duly announced and enforced.

4. Other States of this Republic, as the Californias, New Mexico, Chihuahua, Coahuila, New Leon, etc., already occupied by the forces of the United States, though not under the immediate orders of the General-in-Chief, will conform to the prescriptions of this order, except in such state or states where a different system has been adopted with the sanction of the government at Washington.

5. The internal taxes or dues, referred to are:
1. Direct taxes; 2. Duties on the production of gold

and silver; 3. Melting and assaying dues; 4. The tobacco rent; 5. The rent of stamped paper; 6. The rent on the manufacture of playing cards, and 7. The rent of post-offices.

6. The rent of national lotteries is abolished--lotteries being hereby prohibited.

7. Import and export duties, at the posts of the Republic will remain as fixed by the government of the United States--except that the exportation of gold and silver in bars or ingots (plata y oro en pasta), is prohibited until the further instructions of that government on the subject.

8. All imported articles, goods or commodities which have once paid, or given sufficient security for the payment of, duties to the United States, at any port of entry of the Republic shall not again be burdened with any tax or duty, in any part of this Republic occupied by the forces of the United States.

9. The levying of duties on the transit of animals, goods or commodities, whether of foreign or domestic growth, from one State of this Republic to another, or on entering or leaving the gate of any city, within the Republic, will from and after the beginning of the ensuing year, be prohibited as far as the United States forces may have the power to enforce the prohibition. Other and equitable means, to a moderate extent, must be resorted to by the several State and city authorities, for the necessary support of their respective governments.

10. The tobacco, playing card and stamped paper, rents, will be placed, for three, six or twelve months, under contract with the highest bidders, respectively, for the several States--the State and federal district of Mexico being considered as one. Accordingly, offers or bids, for those rents, within each state, or any one of them, are invited. They will be sent in as early as possible, sealed, to the headquarters of commanders of departments, except for the federal district and State of Mexico. For the two latter, the offers or bids will

be addressed to the general-in-chief.

11. Further details for the execution of the foregoing system of government and revenue will soon be given in general orders.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 28

HEADQUARTERS OF THE ARMY,
MEXICO, December 31, 1847

GENERAL ORDERS

No. 395.

Supplemental to General Orders No. 376

1. To support, in part, the military occupation of the Republic of Mexico by the army of the United States, the several States of this Republic, already occupied, and others as they shall become occupied, are, or will be assessed by the year, in dollars, as follows:

Chihuahua	\$ 49,188
Coahuila	5,657
Chiapas	21,692
Durango	85,556
Guanajuato	255,576
Jalisco	236,338
Mexico, State and Federal district	668,332
Michoacan	287,712
Nuevo Leon	50,437
Oaxaca	84,160
Puebla	424,276
Queretaro	85,944
San Luis	111,260
Sinaloa	33,524
Sonora	5,000
Tabasco	59,060
Tamaulipas	71,332
Vera Cruz	271,548
Zacatecas and Aguascalientes reunited	249,076.

2. This assessment is the quadruple of the direct taxes, paid by the several States to their federal government in the year 1843 or 1844. But, on the other hand, all transit duties, (Alcabalas y derechos de internacion) heretofore payable at the gates of cities and on passing the lines between States, have been

abolished, together with national lotteries. The tobacco monopoly will also be abolished from and after the present year. The cultivation and the sale of that plant, shall, thereafter be free-save any duty that the United States may have imposed, or shall hereafter impose, on the importation of tobacco through customhouses at Mexican ports occupied by this army. And the receipts of the post-offices, together with the playing-card and stamped-paper monopolies are relinquished to the State governments respectively.

3. The governors and the members of legislatures in the different States and all collecting officers, now in commission and heretofore charged with the collection of the federal dues of any kind, will be individually held responsible in their persons and property for the collection and full payment of this assessment--one-twelfth monthly, at the usual State capitals respectively, or other place or places, within the same, as may be appointed by the United States' commander within each state.

4. The assessment on each State that may hereafter be occupied as above shall be considered as due from the first day of the month within which the occupation may take place, in order to avoid all calculations founded on days less than a month. Hence no credit will be allowed a State for any payment previously made to the federal government, or its officers, for any part of a month within which the State shall have been occupied by the American forces. In the States already so occupied, the assessments will be considered as having commenced with the present month and be demanded accordingly.

5. In payment of the money-assessed, any State may substitute, in whole or in part, at a fair valuation, with the consent of the United States commanding officer therein, such articles of subsistence and forage as may be found convenient to the two parties.

6. On the failure of any State to pay its assessments, its functionaries, as above, will be seized and imprisoned, and their property, seized, registered, reported and converted to the use of the occupation, in

strict accordance to the General Regulations of this Army. No resignation or abdication of office, by any of the said Mexican functionaries shall excuse one of them from any of the above obligations or penalties.

7. If the foregoing measures should fail to enforce the regular payment, as above, from any State, the commanding officer of the United States forces, within the same, will immediately proceed to collect, in money or in kind, from the wealthier inhabitants, other than neutral friends, within his reach, the amount of the assessment due from the State--taking care, always, to make the collection as equitably and savingly as practicable, and to report the amount forcibly levied to the next superior officer of this army. Any waste or wanton injury committed in these operations, as well as all fraud and corruption shall be rigorously prosecuted before a tribunal of the army.

8. With a view to a rigorous accountability, receipts in payment of assessments, whether in money or in kind the latter expressed in money, according to valuation, will be signed by some quartermaster, commissary or paymaster of this army, named by the commanding officer within a State, and be duly attested by the latter, who will also keep a register of all such payments. The amount of those payments and of forced levies will be reported monthly to General headquarters, as well as to Washington (See General Orders, No. 366, of the 6th instant) both by the receivers and the attesting or commanding officers within the several states.

9. The usual dues, heretofore levied on the precious metals, in the interior, by the federal government of Mexico will be continued and collected for the military chest of this army. Commanding officers near the mines, assay offices and mints, respectively, will inquire and report to general headquarters on the subject; but until further orders the following rates will be exacted:

10. On production of both gold and silver, three per centum: on melting, two dollars and fifty cents for every one hundred and thirty-five marks--the mark of eight

ounces; on assaying, one dollar the bar, for bars of silver, or one dollar and fifty cents each for bars of gold or of gold and silver mixed, and on coinage the per centage on both metals heretofore paid by the mints, respectively, according to the contract with the Mexican government: Those contracts in every case will be particularly examined. The one real per mark on both gold and silver, heretofore paid to the College of Mines, in this city, is relinquished to that scientific institution, and may be collected as usual.

11. It is understood that the collection of the dues on production, melting and assaying, may be made at the assay offices, and they will be demanded and received accordingly. The per centage, on coinage, will be collected for this army at the mints. At both places officers of intelligence and accurate habits of inspection, will be appointed, from time to time, to give the necessary attendance.

12. The like penalties, receipts, attestations, registries and reports are prescribed, in respect to dues on the precious metals, as are prescribed, above, for other contributions, in money or in kind; and the former will commence also at the same periods and under like circumstances; that is, in the Mexican States already occupied by the American forces from the first instant, and in the other states from the beginning of the months within which the States shall, respectively, be entered and occupied.

13. The American troops in spreading themselves over this Republic will take care to observe the strictest discipline and morals in respect to the persons and property of the country--purchasing and paying for all necessities and comforts they may require, and treating the unoffending inhabitants with forbearance and kindness. The higher honor of our country, as well as the particular honor of this army, must and shall be maintained against the few miscreants in our ranks. The few cannot be permitted to dishonor the whole mass of our citizens and soldiers at home and abroad. The miscreants must therefore be watched, and for every offence, denounced and sent before the

proper tribunals for exemplary punishment. This is required of every good officer and soldier. Men, free at home, must maintain the honor of freemen when abroad. If they forget that they will degrade themselves to the level of felons and slaves, and may be rightfully condemned and treated as such; for felons, according to the laws of God and man, are slaves.

14. The laws of war will also be strictly observed towards all Mexicans in arms, who respect those laws. For the treatment of those atrocious bands of guerrilleros and armed rancheros, see General Orders No. 372, dated 12th instant.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 29

HEADQUARTERS OF THE ARMY
MEXICO, January 5, 1848

GENERAL ORDERS

No. 7.

A new military department to be called the Department of Toluca, is established, embracing the county, for a distance of twenty miles towards the City of Mexico from Toluca, and thirty miles from the same point in every other direction.

By Command of Major General Scott:

(Signed) H. L. SCOTT
A. A. A. G.

APPENDIX 30

HEADQUARTERS OF THE ARMY,
MEXICO, January 5, 1848

GENERAL ORDERS

No. 8.

1. To prevent fraud in the payment of the dues on the precious metals, as assessed in General Orders No. 395, paragraph 10, of the 31st ultimo, it is further directed:

2. Bars of Silver or Gold produced in the mineral districts to which the Assay office of the capital is the nearest, will be sent to that office, with a permit setting forth the number, kind and approximate value of the bars, signed by the commanding officer of the United States forces nearest to the place of production; which permit will be returned to the agent of the mine, with an attestation that the dues on production, melting and assaying have been duly paid to the Assayer on account of this army.

3. The bars, having been assayed, will be sent from the Assay office to the nearest mint for coinage, and the payment of the dues on that operation; as also to enforce existing orders against the exportation of the precious metals, except in coins.

4. A book will be kept in every Assay office in which will be duly entered the number, weight and standard of the bars. Each entry will be signed by the Assayer and the superintendent of the mint.

5. The dues on production, melting and assaying will be collected at the Assay office, and immediately paid over to the American officer who may be appointed to receive them, who will allow the Assayer to deduct therefrom any portion of his usual salary that may be due at the time of the assay; the salary to be considered

as having commenced with the assessment on account of this army, and without regard to arrearages of a prior date.

6. Any attempt to evade the payment of dues on the precious metals or to evade the orders relative thereto, shall be punished by seizure and confiscation of the metal, whether in bars or in coins; and owners and agents, when about to send bars to an Assay office, shall give notice to the American Governor or commander of the place, so that the latter may send the proper officer to receive the dues on the spot.

7. Escorts of American troops, when needed and practicable, will be granted to the precious metals in passing from the mines to the Assay offices, and from the latter to the mints.

8. Notwithstanding the precise orders on the subject, there is reason to apprehend that the smuggling of the precious metals, in bars and in coins, out of this country, may be attempted. On receiving satisfactory evidence of success in such attempts, it is hereby decreed that the owners and shippers shall be compelled to pay into the military chest of the occupation, the full value of the said metals shipped against orders.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 31

HEADQUARTERS OF THE ARMY,
MEXICO, January 11, 1848

GENERAL ORDERS

No. 15.

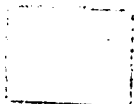
Major J. L. Gardner of the United States 4th Artillery, is appointed Superintendent of direct and indirect assessments to be levied for the support of this Army, for the part of the Republic of Mexico called the federal district. He will, accordingly, open an office in National Place and enter upon the duties assigned him.

He will ascertain the amount of assessments as they may, from time to time, fall due; make demands for their regular payment, and when ready, report the same to general Headquarters in order that disbursing officers may be named to receive and give acquittances for the same. Acquittances will be attested and registered by the Superintendent, who will also transmit to the proper accountant, at Washington, documents charging the disbursing officers with the amounts received by them respectively.

By Command of Major General Scott:

(Signed) H. L. SCOTT, Major General,
A. A. A. G.

STAMP 11.11 (1848)
J. L. G.



APPENDIX 32

HEADQUARTERS OF THE ARMY,
MEXICO, January 20, 1848

GENERAL ORDERS

No. 26.

For the information and convenience of merchants in the interior, who are importers of foreign goods through the customhouse at Vera Cruz, it is ordered that, in future, payments may be made in advance, on account of duties on such goods, to the Chief Paymaster, Major Kirby, at this place, and to the paymasters at Puebla and Jalapa, respectively, for the benefit of the military chest of this army.

Receipts, in triplicate, will be given in the case of each payment, and be attested and registered by the commanding officers at Puebla and Jalapa, respectively, and at this place by Superintendent (Major Gardner) of assessments. Two of those receipts will be delivered to the payer, or his agent, to entitle him to a credit at the Customhouse for the amount expressed therein, and the other receipt be transmitted, by the attester, to the proper accounting officer at Washington, to be charged against the receiver.

When it happens that the money may be more needed on account of the public service, by one of the other disbursing officers, (the Chief Quartermaster or Commissary), at the place of such payments, the commanding officer will direct the transfer of the money from the receiving paymaster accordingly.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 33

HEADQUARTERS OF THE ARMY,
MEXICO, January 27, 1848

GENERAL ORDERS

No. 31.

(Supplemental to General Orders No.
376 and 395 of 1847)

All gold or silver bullion in bars, ingots, pieces, bundles or other form, received by companies or individuals in this city or the federal district--whether designed for assay, coinage or manufacture, or any other disposition whatever--must, on penalty of seizure and confiscation, be declared at the office of the Civil and Military Governor.

All deposits or "introductions" of the precious metals at the assay departments, unaccompanied by notice of declaration made at the Governor's office, will nevertheless be received by that department, as if regularly presented; but they will, in each case, be promptly reported to Major Gardner, Superintendent of Direct and Indirect Assessments--with a specification of the numbers of bars, pieces, etc. and the respective and total proximate weights--and be held subject to special orders in the case.

By Command of Major General Scott:

(Signed) H. L. SCOTT,
A. A. A. G.

APPENDIX 34

HEADQUARTERS OF THE ARMY,
MEXICO, February 18, 1848

GENERAL ORDERS

No. 59.

By instruction from the President of the United States, just received, Major General Scott, turns over the command of this army to Major General Butler, who will immediately enter upon duty accordingly.

In taking official leave of the troops he has so long had the honor personally to command in an arduous campaign—a small part of whose glory has been, from position, reflected on the senior officer Major General Scott is happy to be relieved by a general of established merit and distinction in the service of his country.

By Command of Major General Scott:

(Signed) H. L. SCOTT, Major General
A. A. G. of the Army

APPENDIX 35

AYUNTAMIENTO'S LETTER TO EL MONITOR REPUBLICANO AS
PUBLISHED IN THE AMERICAN STAR, DECEMBER 29, 1847.

Mexico, December 18, 1847

Lic. Castulo Barreda
Secretary

From the moment since fate opened the doors of this Capital to General Scott and the Army under his command, the individuals composing the Ayuntamiento suppressed their lamentations letting their tears flow only in moments dedicated to repose. They have sought the welfare of the inhabitants of this capital to the best of their ability in the difficult and trying circumstances in which they have been placed; and have endeavored to discharge their obligations and duties within the sphere which they have marked out for themselves. In the discharge of these sacred duties the Ayuntamiento cannot look with indifference upon the abuses committed in the designation of lodgings nor can it pass over the fact that peaceable inhabitants of this capital are compelled to see those means of subsistence which depend upon the rents of their houses destroyed. They are forced to remove from them with precipitation and surrender them up to individuals of the American Army designated by the Quartermaster.

The General Order 287 of the 19th of September last says expressly that this beautiful capital, its churches and religion, its convents and monasteries, its inhabitants and their goods are placed under the especial safeguard of the good faith and honor of the Army of the United States, and in consideration of that protection the city should pay the sum of \$150,000. The city has already paid this sum as the price of its protection and has thus acquired the right which it imparts and no accident or subsequent event can weaken or destroy that right unless the word and good faith upon which it rests is a mockery. This right, once acquired as it was, the

city never has been able to lose it and in virtue of it, justice requires that this protection should be rendered effective and not to give it an opposite sentiment as would be the case if the Commander-in-Chief who framed it should permit the monasteries and houses to be occupied without regard to the convenience of the tenants and owners or that they should be obliged to abandon them suddenly, leaving in them their effects and property and being deprived of their free use and benefit. Therefore when the Ayuntamiento saw the other and subsequent order, number 358 of November 25th, they believed and had a right to believe that it was applicable to the City of Mexico only so far as it was in accordance and agreement with the former order cited above (287). It formed this opinion with so much the more reason inasmuch as the order of November 25 provided that lodgings should be furnished by private individuals in case there were not public buildings enough of which there is a considerable number in this city.

But even looking only to general principles it would seem that this order ought not have the full extent in the application which it expresses and ought not to be carried into effect so far as to allow the occupation of private property to the great injury of the owners.

No conquest, much less a military occupation can invest the conqueror or occupant with power to dispose of private property inasmuch as both of them accidentally come in possession of the government of the nation. They cannot have in it more power than the regularly established government and can never extend their authority so far as to have the right of occupying private property. If these principles are essentially correct, they acquire additional force in the present instance from the fact that the General-in-Chief in his order of November 23 made use of these words "the Army of the United States having become possessed of the City of Mexico and its neighborhood on the 14th of September last, all

the rights and authority of the Mexican government in and over the district so occupied is vested in the United States." The words acquire new force if we consider that Mexico is occupied in the name of these same United States whose liberal principles are at variance with all tyrannical proceedings such as the spoilation of private property.

The Ayuntamiento hopes for all the reasons indicated that the claim which it makes in the name of humanity, civilization, the good faith of the American Army, and the guarantees which its chief has obligated himself to comply with especially so far as concerns the City of Mexico will be heard and attended to.

Consequently it hopes and supplicates the same General that he will make an early explanation of his order of the 25th of November, providing that private property shall not be taken except on condition that the owners shall be indemnified when the whole house is occupied, that in the partial designation of lodgings the municipal authorities may be consulted as is the custom in other countries and has been generally done in our own and that it should not be carried to such a length that a family should be obligated to abandon their property precipitately and deprived of all the rent upon which it depends for subsistence.

I have the honor to direct this communication through your Excellency, in order that with favor and timely recommendation it may reach the Commander-in-Chief of the Army of the United States.

I repeat to your Excellency, the assurances of my consideration.

God and Liberty

Mexico, December 18, 1847

Juan Maria Flores, Lic. Costulo Barreda, Sec.

This is a true copy
Mexico December 18, 1847

Barreda

APPENDIX 36

LETTER FROM THE UNITED STATES CIVIL AND MILITARY
GOVERNOR TO THE AYUNTAMIENTO OF MEXICO CITY PUBLISHED
IN THE AMERICAN STAR DECEMBER 25, 1847.

Office of the Civil and Military Governor
National Palace, Mexico December 23, 1847

Sir:

I am directed to say to you that the communication addressed through yourself by the President of the Ayuntamiento to the Civil and Military Governor of this city upon the subject of the occupation of quarters by American troops, although exceedingly offensive and objectionable in its tone and language would nevertheless have been made the subject of a special reply at the Governor's earliest convenience had time for such a reply been permitted him by the Ayuntamiento. The communication referred to was received at this office on the 19th of the present month and on the same day was transmitted to the editor of El Monitor Republicano by the Secretary of the Ayuntamiento and published in that paper on the 20th, thus improperly and indecently publishing their communication to the public when it had scarcely been received at this office and when no time had been permitted for the action of the Governor.

The Governor now directs that the Ayuntamiento be inuried, assembled and that this communication be laid before that body with his positive and pre-emptory order that they forthwith withdraw the publication of the letter in question and make a public apology for having addressed it to the Governor; the withdrawal and apology to be published in El Monitor Republicano tomorrow morning.

I am sir, very respectfully
your obedient Servant

R. P. Hammond Secy

Al. Sor. Dn, M. R.
Veramendi.

Alcalde Primero, Mexico

APPENDIX 37

LETTER FROM THE UNITED STATES CIVIL AND MILITARY
GOVERNOR TO THE AYUNTAMIENTO OF MEXICO CITY,
PUBLISHED IN THE AMERICAN STAR, DECEMBER 25, 1847.

Office of Civil and Military Governor
National Palace, Mexico December 24, 1847

Gentlemen:

The bad faith and improper conduct of the present Ayuntamiento having rendered them unfit agents to administer the affairs of their fellow citizens in the City of Mexico, their functions are hereby declared to be at an end from this moment, but the members individually will be held responsible for any appropriation of funds not made with the consent and approbation of the American authorities.

All treasurers, collectors, and depositors of public revenues or funds are hereby directed not to pay over any part of the sums in their hands without the order of the Civil and Military Governor.

Persifor F. Smith

Bvt. Brig. Gen. and Civil
and Military Governor

APPENDIX 38

LETTER FROM THE UNITED STATES CIVIL AND MILITARY
GOVERNOR OF MEXICO CITY TO THE NEW AYUNTAMIENTO OF
MEXICO CITY PUBLISHED IN THE AMERICAN STAR, DECEMBER
25, 1847.

Office of Civil and Military Governor
National Palace, Mexico

December 24, 1847

Gentlemen:

The functions of the members of the present
municipality having ceased today and you having
been elected to succeed them to avoid the incon-
venience to the inhabitants of remaining a week
without a municipal government I request that you
will tomorrow at 10 AM each assume the authorities
and duties to which you have been named in the late
municipal elections.

Respectfully your obedient Servant

Persifor F. Smith.

Bvt. Brig. Gen. and Civil
and Military Governor

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